

## NINETY-NINTH DAY

St. Paul, Minnesota, Monday, April 8, 2024

The Senate met at 11:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Murphy imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Matthias Peterson-Brandt.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators were present:

Abeler	Dziedzic	Johnson	Maye Quade	Rarick
Anderson	Eichorn	Klein	McEwen	Rasmusson
Bahr	Farnsworth	Koran	Miller	Rest
Boldon	Fateh	Kreun	Mitchell	Seeberger
Carlson	Frentz	Kunesh	Mohamed	Utke
Champion	Green	Kupec	Morrison	Weber
Coleman	Gruenhagen	Lang	Murphy	Wesenberg
Cwodzinski	Gustafson	Latz	Nelson	Westlin
Dahms	Hauschild	Lieske	Oumou Verbeten	Westrom
Dibble	Hawj	Limmer	Pappas	Wiklund
Dornink	Hoffman	Lucero	Pha	Xiong
Draheim	Housley	Mann	Port	
Drazkowski	Howe	Marty	Pratt	
Duckworth	Jasinski	Mathews	Putnam	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

April 4, 2024

The Honorable Bobby Joe Champion  
President of the Senate

Dear Senator Champion:

As the Senate Majority Leader, I hereby make the following appointment:

Pursuant to Minnesota Statutes

62J.87: Prescription Drug Affordability Board - Senator Mann shall serve at the pleasure of the appointing authority.

Sincerely,  
Erin P. Murphy  
Senate Majority Leader

April 8, 2024

The Honorable Melissa Hortman  
Speaker of the House of Representatives

The Honorable Bobby Joe Champion  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2024 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2024	Date Filed 2024
	3769	82	9:34 a.m. April 8	April 8

Sincerely,  
Steve Simon  
Secretary of State

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3071, 3436, 3454, 4024, 4176, and 4334.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 4, 2024

#### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 3071:** A bill for an act relating to transportation; driver and vehicle services; requiring incorporation of plain language standards for written driver's examinations and the driver's manual; requiring a report; appropriating money; amending Minnesota Statutes 2022, section 171.13, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3094, now on General Orders.

**H.F. No. 3436:** A bill for an act relating to transportation; modifying various transportation-related provisions, including but not limited to motor vehicles, driving rules, accident reporting requirements, child passenger restraint requirements, roadable aircraft, legislative routes, drivers' licenses and exams, excavation notices, and greater Minnesota transit; establishing criminal penalties; modifying prior appropriations; making technical changes; appropriating money; requiring reports; amending Minnesota Statutes 2022, sections 43A.17, by adding a subdivision; 65B.28, subdivision 2; 161.115, subdivisions 116, 117, by adding a subdivision; 161.321, subdivisions 2, 2b; 168.002, subdivisions 18, 24, 26, 27; 168.013, subdivision 1d; 168.0135, by adding a subdivision; 168.12, subdivision 1; 168.33, subdivision 8a; 168A.085, by adding a subdivision; 168B.035, subdivision 3; 169.011, subdivisions 3a, 44, by adding subdivisions; 169.09, subdivisions 5, 14a, 19; 169.19, subdivision 2; 169.224, subdivision 3; 169.34, subdivision 1; 169.444, subdivision 4; 169.685, subdivisions 4, 5, by adding subdivisions; 169.79, by adding a subdivision; 169.80, by adding a subdivision; 169.801, subdivision 7; 169.974, subdivision 2; 169A.52, subdivision 7; 171.01, subdivisions 40, 41a, 47, by adding a subdivision; 171.06, subdivision 2a; 171.0605, subdivision 2; 171.072; 171.13, subdivision 6, by adding a subdivision; 171.30, subdivisions 2a, 5; 174.03, subdivision 12; 174.22, subdivisions 2b, 7, 12, 14, by adding subdivisions; 174.23, subdivision 2; 174.24, subdivisions 1a, 3b, 3c; 174.247; 174.632, subdivision 2; 174.636, subdivision 1; 216D.01, subdivision 12, by adding subdivisions; 216D.03, by adding a subdivision; 216D.04; 216D.05; 221.033, subdivision 1, by adding a subdivision; 360.013, by adding a subdivision; 360.075, subdivision 1; 473.121, subdivision 19; Minnesota Statutes 2023 Supplement, sections 4.076, subdivision 3; 115E.042, subdivision 4; 161.045, subdivision 3; 168.1235, subdivision 1; 168.1259, subdivision 5; 168.345, subdivision 2; 169.09, subdivision 8; 171.06, subdivision 3; 171.0605, subdivision 5; 171.12, subdivisions 5c, 11; 171.13, subdivision 1a; 171.395, subdivision 1; 171.396; 174.40, subdivision 4a; 256B.0625, subdivision 17; 609.855, subdivision 7; Laws 2021, First Special Session chapter 5, article 2, section 3; Laws 2023, chapter 68, article 1, section 2, subdivision 4; article 2, sections 2, subdivisions 3, 4, 5, 7, 9; 3; proposing coding for new law in Minnesota Statutes, chapters 168; 169; 171; 174; repealing Minnesota Statutes 2022, sections 169.011, subdivision 70; 169.25; 171.0605, subdivision 4; 174.22, subdivisions 5, 15; 174.23, subdivision 7; 216D.06, subdivision 3; 221.033, subdivision 2c; Minnesota Statutes 2023 Supplement, section 171.06, subdivisions 9, 10, 11; Minnesota Rules, parts 7411.7600, subpart 3; 8835.0110, subparts 1, 1a, 6, 7, 10, 11a, 12a, 12b, 13a, 14a, 15, 15a, 16, 17, 18, 19; 8835.0210; 8835.0220; 8835.0230; 8835.0240; 8835.0250; 8835.0260; 8835.0265; 8835.0270; 8835.0275; 8835.0280; 8835.0290; 8835.0310; 8835.0320; 8835.0330, subparts 1, 3, 4; 8835.0350, subparts 1, 3, 4, 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3944, now on General Orders.

**H.F. No. 3454:** A bill for an act relating to the military; modifying the definition of criminal justice agencies; modifying data that the adjutant general may request from other agencies; modifying powers of the adjutant general; authorizing the adjutant general to establish a referral bonus program;

modifying the crime of unauthorized presence at military installations; amending Minnesota Statutes 2022, sections 13.02, subdivision 3a; 13.785; 190.16, subdivisions 3, 6a; 192.25; 192.501, by adding a subdivision; 192.67; 609.396.

Senator Murphy, Chair of the Committee on Rules and Administration, moved that H.F. No. 3454 be laid on the table. The motion prevailed.

**H.F. No. 4024:** A bill for an act relating to higher education; making policy and technical changes to certain higher education provisions including student sexual misconduct, student aid, student supports, and institutional registration and contract provisions; modifying allowable uses for appropriations; requiring reports; amending Minnesota Statutes 2022, sections 135A.15, subdivisions 1a, 2, 6, 8, by adding a subdivision; 136A.091, subdivision 3; 136A.1241, subdivision 3; 136A.1701, subdivisions 4, 7; 136A.62, by adding subdivisions; 136A.63, subdivision 1; 136A.646; 136A.65, subdivision 4; 136A.675, subdivision 2; 136A.821, subdivision 5, by adding a subdivision; 136A.822, subdivisions 1, 2, 6, 7, 8; 136A.828, subdivision 3; 136A.829, subdivision 3, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 135A.121, subdivision 2; 135A.15, subdivision 1; 135A.161, by adding a subdivision; 135A.162, subdivision 2; 136A.1241, subdivision 5; 136A.1465, subdivisions 1, 2, 3, 4, 5; 136A.62, subdivision 3; 136A.833, subdivision 2; 136F.38, subdivision 3; Laws 2023, chapter 41, article 1, section 4, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; repealing Minnesota Statutes 2022, section 135A.16; Minnesota Statutes 2023 Supplement, section 135A.162, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 4003, now on General Orders.

**H.F. No. 4176:** A bill for an act relating to early learning; modifying early learning programs; amending Minnesota Statutes 2022, sections 120A.05, subdivision 10a, by adding a subdivision; 124D.151, as amended; 125A.02, subdivision 1a; 125A.27, subdivision 8; 125A.56, subdivision 1; Minnesota Statutes 2023 Supplement, section 124D.165, subdivisions 2, 2a; repealing Laws 2017, First Special Session chapter 5, article 8, section 9.

Referred to the Committee on Education Policy.

**H.F. No. 4334:** A bill for an act relating to veterans; modifying veteran's preference provisions; prohibiting state benefits when certain veterans and former service members forfeit federal benefits; modifying oversight of veterans home administrators; requiring planning for a new state veterans cemetery; amending Minnesota Statutes 2022, sections 43A.11; 197.455, subdivisions 2, 6; 197.4551; 198.005; Laws 2010, chapter 333, article 2, section 23, as amended; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on State and Local Government and Veterans.

## REPORTS OF COMMITTEES

Senator Murphy moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 4053, 5097, 3787, 4387, 4719, 3605, 4570, 4912, 4107, 5133, 5082, 5159, 5257, 3496, 5048, 2915, 4597, 4861, 4874, and 5244 and the report pertaining to appointments. The motion prevailed.

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 4053:** A bill for an act relating to cooperatives; providing for the organization and operation of housing cooperatives for seniors, low and moderate income people, limited equity cooperatives and leasing cooperatives for designated members; amending Minnesota Statutes 2022, sections 116J.395, subdivision 3; 273.11, subdivision 8; 273.124, subdivisions 3, 3a; 290.0922, subdivision 2; 327C.095, subdivision 5; 515B.3-101; Minnesota Statutes 2023 Supplement, sections 273.124, subdivision 6; 290.0694, subdivision 1; 290A.03, subdivision 16; 462A.38, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 308C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "or governed by chapter 515B"

Page 1, line 19, delete everything after "cooperatives"

Page 1, line 20, delete everything before the period

Page 1, after line 23, insert:

"Subd. 3. **Chapter 515B prevails.** In the event of a conflict between this chapter and chapter 515B, chapter 515B shall control."

Page 2, line 10, delete "of Organization" and before "of" insert "means the articles of organization"

Page 12, line 22, delete the comma and insert "or"

Page 12, line 23, delete ", or 515B" and delete "by terminating"

Page 12, line 24, delete everything before "by"

Page 12, delete lines 27 to 30

Page 13, line 1, delete "(c)" and insert "(b)"

Page 13, line 7, delete the comma and insert "or" and delete ", or" and insert "that is converting to be subject to this chapter"

Page 13, line 8, delete "515B"

Page 13, line 9, delete everything after "(1)"

Page 13, delete line 10

Page 13, line 11, delete "(i)"

Page 13, line 12, delete "(A)" and insert "(i)"

Page 13, line 13, delete "(B)" and insert "(ii)"

Page 13, line 15, delete "(C)" and insert "(iii)"

Page 13, line 18, delete "(ii)" and insert "(2)"

Page 13, line 19, delete "; and" and insert a period

Page 13, delete lines 20 to 25

Page 13, line 26, delete everything after "effective"

Page 13, line 27, delete "terminated"

Page 13, line 30, delete the comma and insert "or" and delete ", or 515B"

Page 14, line 4, delete the comma and insert "or" and delete ", or 515B"

Page 14, lines 7 and 8, delete the comma and insert "and" and delete ", and 515B"

Page 14, line 12, delete the third comma and insert "and" and delete the fourth comma

Page 14, line 13, delete "and 515B,"

Page 91, after line 7, insert:

"Sec. 91. **EFFECTIVE DATE.**

This article is effective August 1, 2025."

Page 101, after line 30, insert:

"Sec. 12. Minnesota Statutes 2022, section 515B.3-103, is amended to read:

**515B.3-103 BOARD OF DIRECTORS, OFFICERS AND DECLARANT CONTROL.**

(a) An association shall be governed by a board of directors whose appointment or election shall occur no later than the date of creation of the common interest community and shall be reflected in the association's records. Except as expressly prohibited by the declaration, the articles of incorporation, bylaws, subsection (b), or other provisions of this chapter, the board may act in all instances on behalf of the association. In the performance of their duties, the officers and directors are required to exercise (i) if appointed by the declarant, the care required of fiduciaries of the unit owners and (ii) if elected by the unit owners, the care required of a director by section 302A.251, 308B.455, 308C.455, or 317A.251, as applicable. The officers and directors appointed by the declarant shall have a duty to fulfill, and to cause the association to fulfill, their respective obligations under the declaration, bylaws, articles of incorporation, and this chapter and to enforce the provisions of the declaration, bylaws, articles of incorporation, and this chapter against all unit owners, including the declarant and its affiliates, in a uniform and fair manner. The standards of conduct for officers and directors set forth in this subsection shall also apply to the officers and directors of master associations in the exercise of their duties on behalf of the master association.

(b) The board may not act unilaterally to amend the declaration, to terminate the common interest community, to elect directors to the board, or to determine the qualifications, powers and duties, or

terms of office of directors, but the board may fill vacancies in its membership created other than by removal by the vote of the association members for the unexpired portion of any term.

(c) The declaration may provide for a period of declarant control of the association, during which a declarant, or persons designated by the declarant, may appoint and remove the officers and directors of the association. The period of declarant control begins on the date of creation of the common interest community and terminates upon the earliest of the following events: (i) five years after the date of the first conveyance of a unit to a unit owner other than a declarant in the case of a flexible common interest community or three years in the case of any other common interest community, (ii) the declarant's voluntary surrender of control by giving written notice to the unit owners pursuant to section 515B.1-115, or (iii) the conveyance of 75 percent of the units to unit owners other than a declarant.

(d) The board shall cause a meeting of the unit owners to be called, as follows:

(1) If the period of declarant control has terminated pursuant to subsection (c), a meeting of the unit owners shall be called and held within 60 days after said termination, at which the board shall be appointed or elected by all unit owners, including declarant, subject to the requirements of subsection (e).

(2) If 50 percent of the units that a declarant is authorized by the declaration to create have been conveyed prior to the termination of the declarant control period, a meeting of the unit owners shall be called and held within 60 days thereafter, at which not less than 33-1/3 percent of the members of the board shall be elected by unit owners other than a declarant or an affiliate of a declarant.

(3) If the board fails or refuses to cause a meeting of the unit owners required to be called pursuant to subsection (d), then the unit owners other than a declarant and its affiliates may cause the meeting to be called pursuant to the applicable provisions of the law under which the association was created. The declarant and its affiliates shall be deemed to be present at the meeting for purposes of establishing a quorum regardless of their failure to attend the meeting.

(e) Following the termination of any period of declarant control, the unit owners shall appoint or elect the board. All unit owners, including the declarant and its affiliates, may cast the votes allocated to any units owned by them. The board shall thereafter be subject to the following:

(1) Unless otherwise approved by a vote of unit owners other than the declarant or an affiliate of the declarant, a majority of the directors shall be unit owners or a natural person designated by a unit owner that is not a natural person, other than a declarant or an affiliate of a declarant. The remaining directors need not be unit owners unless required by the articles of incorporation or bylaws.

(2) Subject to the requirements of subsection (e)(1), the articles of incorporation or bylaws may authorize the declarant or a person designated by the declarant to appoint one director, who need not be a member. The articles of incorporation or bylaws shall not be amended to change or terminate the authorization to appoint one director without the written consent of the declarant or other person possessing the power to appoint.

(3) Subject to the requirements of subsection (e)(1), the articles of incorporation or bylaws may authorize special classes of directors and director voting rights, as follows: (i) classes of directors,

(ii) the appointment or election of directors in certain classes by certain classes of members, or (iii) class voting by classes of directors on issues affecting only a certain class or classes of members, units, or other parcels of real estate, or to otherwise protect the legitimate interest of such class or classes. No person may utilize such special classes or class voting for the purpose of evading any limitation imposed on declarants by this chapter.

(4) The board shall elect the officers. The directors and officers shall take office upon election.

(f) In determining whether the period of declarant control has terminated under subsection (c), or whether unit owners other than a declarant are entitled to elect members of the board of directors under subsection (d), the percentage of the units conveyed shall be calculated using as a numerator the number of units conveyed and as a denominator the number of units subject to the declaration plus the number of units which the declarant is authorized by the declaration to create on any additional real estate. The percentages referred to in subsections (c) and (d) shall be calculated without reference to units that are auxiliary to other units, such as garage units or storage units. A person shall not use a master association or other device to evade the requirements of this section.

(g) Except as otherwise provided in this subsection, meetings of the board of directors must be open to the unit owners. To the extent practicable, the board shall give reasonable notice to the unit owners of the date, time, and place of a board meeting. If the date, time, and place of meetings are provided for in the declaration, articles, or bylaws, announced at a previous meeting of the board, posted in a location accessible to the unit owners and designated by the board from time to time, or if an emergency requires immediate consideration of a matter by the board, notice is not required. "Notice" has the meaning given in section 317A.011, subdivision 14. Meetings may be closed to discuss the following:

(1) personnel matters;

(2) pending or potential litigation, arbitration or other potentially adversarial proceedings, between unit owners, between the board or association and unit owners, or other matters in which any unit owner may have an adversarial interest, if the board determines that closing the meeting is necessary to discuss strategy or to otherwise protect the position of the board or association or the privacy of a unit owner or occupant of a unit; or

(3) criminal activity arising within the common interest community if the board determines that closing the meeting is necessary to protect the privacy of the victim or that opening the meeting would jeopardize investigation of the activity.

Nothing in this subsection imposes a duty on the board to provide special facilities for meetings. The failure to give notice as required by this subsection shall not invalidate the board meeting or any action taken at the meeting. The minutes of any part of a meeting that is closed under this subsection may be kept confidential at the discretion of the board.

### Sec. 13. EFFECTIVE DATE.

This article is effective August 1, 2025."

Amend the title numbers accordingly



And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**S.F. No. 5097:** A bill for an act relating to family law; providing rights for parents with disabilities; amending Minnesota Statutes 2022, sections 259.53, by adding a subdivision; 260C.201, by adding a subdivision; 518.1751, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after the period, insert "(b)" and after "agency" insert "that conducted the postplacement assessment and filed the report with the court under subdivision 2"

Page 1, line 16, before the period, insert ", conduct a new postplacement assessment that is inclusive of the prospective parent's use of supportive parenting services, and file a revised report with the court under subdivision 2. This paragraph does not confer additional responsibility to the agency to provide supportive parenting services directly to the prospective parent"

Page 1, line 17, delete everything after the period

Page 1, delete lines 18 and 19

Page 1, line 20, delete "(b)" and insert "(c)" and delete "rights" and insert "ability"

Page 1, after line 23, insert:

"(d) For purposes of this subdivision, "disability" and "supportive parenting services" have the meanings given in section 260C.201, subdivision 13."

Page 2, line 14, delete "section" and insert "subdivision"

Page 2, line 17, after the period, insert "(c)"

Page 2, line 18, delete "section" and insert "subdivision"

Page 2, line 25, delete "(c)" and insert "(d)"

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2022, section 518.17, is amended by adding a subdivision to read:

Subd. 2a. **Parents with disabilities.** (a) A court shall not deny nor restrict a parent's parenting time or custody due to the parent's disability. A party raising disability as a basis for denying or restricting parenting time has the burden to prove by clear and convincing evidence that a parent's specific behaviors during parenting time would endanger the health or safety of the child. If the party meets the burden, a parent with a disability shall have the opportunity to demonstrate how implementing supportive services can alleviate any concerns. The court may require a parent with a disability to use supportive parenting services to facilitate parenting time.

(b) If a court denies or limits the right of a parent with a disability to custody of a child or visitation with a child, the court shall make specific written findings stating the basis for the denial or limitation and why providing supportive parenting services is not a reasonable accommodation that could prevent denying or limiting the parent's custody or parenting time.

(c) For purposes of this subdivision, "disability" and "supportive parenting services" have the meanings given in section 260C.201, subdivision 13."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred**

**S.F. No. 3787:** A bill for an act relating to employees; modifying earned sick and safe time; authorizing rulemaking; modifying a previous appropriation; amending Minnesota Statutes 2023 Supplement, sections 177.27, subdivision 4; 177.50, by adding subdivisions; 181.032; 181.9445, subdivisions 4, 5, by adding a subdivision; 181.9446; 181.9447, subdivisions 1, 3, 5, 10, 11, by adding a subdivision; 181.9448, subdivisions 1, 2; Laws 2023, chapter 53, article 14, section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 6, reinstate the stricken language

Page 6, line 7, reinstate the stricken language and delete the new language

Page 6, after line 7, insert:

"(2) an individual who is a paid on-call member of a department charged with the prevention or suppression of fires within the boundaries of the state."

And when so amended the bill do pass and be re-referred to the Committee on Labor.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**S.F. No. 4387:** A bill for an act relating to public safety; providing for human services; modifying the duties of certain facilities that confine people relating to phone calls and other communication services; specifying duties of certain direct care and treatment programs relating to phone calls and other communications; amending Minnesota Statutes 2023 Supplement, section 241.252; proposing coding for new law in Minnesota Statutes, chapter 246.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 13 to 15

Page 2, line 27, before "data" insert "summary"

Page 3, line 21, delete "subdivision" and insert "subdivisions" and after "2" insert "and 4"

Page 3, line 22, after "restricted" insert "or limited"

And when so amended the bill do pass and be re-referred to the Committee on Human Services.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 4719:** A bill for an act relating to transportation; establishing Blue Line light rail transit extension antidisplacement community prosperity program; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [473.4058] BLUE LINE LIGHT RAIL TRANSIT EXTENSION ANTIDISPLACEMENT COMMUNITY PROSPERITY PROGRAM.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Antidisplacement community prosperity program" or "program" means the program established under subdivision 2.

(c) "Antidisplacement community prosperity program money" or "program money" means the money allocated to the program from the state.

(d) "Blue Line light rail transit extension corridor" or "corridor" means the neighborhoods and communities within one mile of the route selected for the Blue Line light rail transit extension project.

Subd. 2. Establishment. The antidisplacement community prosperity program is established to preserve and enhance affordable housing, small business support, job training and placement, and economic vitality and to benefit the people and sense of community along the Blue Line light rail transit extension corridor. Proposed program expenditures are reviewed and approved by the Antidisplacement Community Prosperity Program Board.

Subd. 3. Qualifying purposes. Program money must only be expended for the following purposes:

(1) affordable housing to support:

(i) existing residents staying in place along the project corridor; and

(ii) development, preservation, and access to safe affordable housing and house choice;

(2) small business and community ownership support to:

(i) incentivize community institutions, businesses, and community members to own property along the corridor and preserve cultural heritage;

(ii) connect business owners, community institutions, and community members in the corridor to other commercial nodes;

(iii) improve the business climate before, during, and after construction in the corridor;

(iv) prioritize the development of spaces for small businesses;

(v) support opportunities for existing businesses to stay in place and feel supported; and

(vi) create opportunities for further community ownership in the corridor while preserving existing levels of ownership;

(3) public space infrastructure enhancements to:

(i) improve infrastructure around the project and corridor;

(ii) enhance community connections to the corridor; and

(iii) preserve cultural heritage in the corridor; and

(4) job training and placement to increase corridor resident participation in the Blue Line transit extension project and program initiatives.

Subd. 4. **Program governance.** Expenditures funded under this section must be reviewed and approved by the Antidisplacement Community Prosperity Program Board established in section 2. The board's review must determine whether a prospective expenditure is for a qualifying purpose as provided in subdivision 3. The board must not approve an expenditure for any purpose unless the purpose has received an equal amount of funding from nonstate sources, including federal, local, Metropolitan Council, or philanthropic funding. The board is responsible for administering the program expenditure to the approved entity or individual.

Subd. 5. **Report.** By February 1 of each year, the Antidisplacement Community Prosperity Program Board must submit a report to the chairs, ranking minority members, and staff of the legislative committees with jurisdiction over transportation finance and policy. At a minimum, the report must include a summary of antidisplacement community programming; a complete fiscal review of all expenditures, including a report on expenditures not approved by the board; and an analysis of programming impacts and outcomes.

Subd. 6. **Expiration.** The antidisplacement community prosperity program expires on June 30, 2030.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. **ANTIDISPLACEMENT COMMUNITY PROSPERITY PROGRAM BOARD.**

Subdivision 1. **Creation.** (a) The Antidisplacement Community Prosperity Program Board is established to implement the requirements of Minnesota Statutes, section 473.4058. The board consists of the following members:

(1) two Hennepin County commissioners or appointed officials representing Hennepin County, appointed by the governor;

(2) two elected or appointed officials representing the city of Minneapolis, appointed by the governor;

(3) one elected or appointed official representing the city of Robbinsdale, appointed by the governor;

(4) one elected or appointed official representing the city of Crystal, appointed by the governor;

(5) one elected or appointed official representing the city of Brooklyn Park, appointed by the governor;

(6) two representatives appointed by the Blue Line Coalition;

(7) one representative appointed by the Blue Line Extension Community Advisory Committee;

(8) one representative appointed by the Blue Line Extension Business Advisory Committee;

(9) two representatives who live in the corridor and represent either the community or a philanthropic organization, appointed by the senate majority leader; and

(10) two representatives who live in the corridor and represent either the community or a philanthropic organization, appointed by the speaker of the house of representatives.

(b) Appointments to the board must be completed by July 1, 2024. Terms and vacancies for members of the board are as specified in Minnesota Statutes, section 15.0575.

Subd. 2. **Chair; other officers.** The chair of the Metropolitan Council, or their designee, is responsible for chairing the first meeting of the board. The board must elect from among its members a chair and vice-chair at the first meeting.

Subd. 3. **Duties.** (a) The board must establish an application process to review and approve proposed expenditures for the antidisplacement community prosperity program. An application for a proposed expenditure must receive approval from a majority of board members. The board may request information on financial disclosures from any entity or individual seeking program expenditure funds under Minnesota Statutes, section 473.4058, including a complete independent financial audit of the entity.

(b) The application process must evaluate proposed expenditures to determine whether the expenditure is for a qualifying purpose under Minnesota Statutes, section 473.4058, subdivision 3, whether an equal amount of funds have been secured from nonstate sources as required in Minnesota Statutes, section 473.4058, subdivision 4, and whether the expenditure benefits the people along the Blue Line light rail transit extension corridor.

(c) The Metropolitan Council and state and metropolitan agencies must cooperate with the board and provide information on the Blue Line light rail transit extension project in a timely manner to assist the board in conducting its business and reviewing applications for program expenditures.

Subd. 4. **Expiration.** The Antidisplacement Community Prosperity Program Board expires on June 30, 2030.

Subd. 5. **Administration.** (a) By August 1, 2024, the board must be convened and meet a minimum of three times. On or after January 1, 2025, the board must meet at least quarterly to consider, review, and approve proposed expenditures.

(b) Appointments to the board must not include a member of the legislature.

Subd. 6. **Rulemaking.** The board may adopt rules to carry out the requirements of Minnesota Statutes, section 473.4058, and as needed to review, approve, and facilitate applications for program expenditures.

Subd. 7. **Compensation.** Board member compensation and reimbursement for expenses are governed by Minnesota Statutes, section 15.0575, subdivision 3.

Subd. 8. **Administrative support; staff.** Hennepin County must provide meeting space, administrative support, and staff support for the board. The board must hold its meetings within one mile of the Blue Line light rail transit extension project corridor.

Subd. 9. **Open meeting law.** Meetings of the board are subject to Minnesota Statutes, chapter 13D.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. **APPROPRIATION; BLUE LINE LIGHT RAIL TRANSIT EXTENSION ANTIDISPLACEMENT COMMUNITY PROSPERITY PROGRAM .**

\$10,000,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of transportation for a grant to Hennepin County to administer the Blue Line light rail transit extension antidisplacement community prosperity program under Minnesota Statutes, section 473.4058. The appropriation for fiscal year 2024 is available until June 30, 2025. The base for fiscal year 2026 and each year thereafter is \$10,000,000.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "creating a new board to administer antidisplacement programming;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government and Veterans.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dibble from the Committee on Transportation, to which was referred**

**S.F. No. 3605:** A bill for an act relating to transportation; appropriating money for local roads and bridges; authorizing sale and issuance of general obligation bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete sections 1 and 2 and insert:

"Section 1. **APPROPRIATION; LOCAL ROAD IMPROVEMENT FUND GRANTS.**

\$200,000,000 is appropriated from the bond proceeds account in the state transportation fund to the commissioner of transportation as provided in Minnesota Statutes, section 174.50, for eligible improvements on trunk highway corridor projects under Minnesota Statutes, section 174.52, subdivision 2; for construction and reconstruction of local roads with statewide or regional significance under Minnesota Statutes, section 174.52, subdivision 4; or for grants to counties to assist in paying the costs of rural road safety capital improvement projects on county state-aid highways under Minnesota Statutes, section 174.52, subdivision 4a.

Sec. 2. **APPROPRIATION; LOCAL BRIDGE REPLACEMENT AND REHABILITATION.**

\$200,000,000 is appropriated from the bond proceeds account in the state transportation fund to the commissioner of transportation to match federal money and to rehabilitate, construct, or reconstruct bridges as provided under Minnesota Statutes, section 174.50."

And when so amended the bill do pass and be re-referred to the Committee on Capital Investment.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Marty from the Committee on Finance, to which was re-referred**

**S.F. No. 4307:** A bill for an act relating to capital investment; amending previous appropriations for capital projects; amending Minnesota Statutes 2022, section 469.53; Laws 2017, First Special Session chapter 8, article 1, section 20, subdivision 8, as amended; Laws 2018, chapter 214, article 1, section 16, subdivision 14, as amended; Laws 2020, Fifth Special Session chapter 3, article 1, sections 7, subdivisions 3, as amended, 26; 14, subdivisions 5, 6; 16, subdivision 36, as amended; 20, subdivision 5, as amended; 21, subdivisions 7, 27, 37, as amended; 22, subdivision 17; 25; article 2, section 2, subdivision 3; Laws 2023, chapter 71, article 1, sections 9, subdivision 7; 10, subdivisions 3, 7, 8, 11, 15; 11, subdivision 15; 14, subdivisions 1, 5, 6, 10, 12, 23, 37, 40, 51, 53, 58, 66, 67, 73, 77, 84, 93, 94, 103, 106; 15, subdivisions 2, 5, 6, 12; 17, subdivision 3; Laws 2023, chapter 72, article 1, sections 7, subdivision 8; 16, subdivisions 10, 14; 23, subdivision 10; 27; article 2, sections 3, subdivision 4; 7, subdivision 5; 10, subdivisions 3, 6, 12, 13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "AMENDING APPROPRIATIONS FROM THE GENERAL FUND" and insert "GENERAL FUND AND APPROPRIATION BONDS"

Page 4, strike line 14

Page 4, line 15, strike the comma

Page 4, line 16, after "runway" insert "and supporting facilities"

Page 4, line 17, after "and" insert "includes money for site grading and drainage, and"

Page 4, line 18, strike "for the same purposes"

Page 4, line 20, after the second "2" insert ", which was Phase 1 of the project"

Page 7, line 29, strike "and"

Page 7, line 31, after "facility" insert a comma

Page 8, line 1, delete "courts" and insert "court"

Page 8, line 4, after "Center" insert "and Conway Park facilities"

Page 9, after line 6, insert:

"Sec. 19. Laws 2023, chapter 71, article 1, section 14, subdivision 57, is amended to read:

Subd. 57. **Duluth Historic Armory**

4,500,000

(a) For ~~a grant~~ one or more grants to the Armory Arts and Music Center ~~to design, construct, furnish, and equip~~ for the renovation of the historic Armory in the city of Duluth.

(b) \$500,000 of this appropriation is to predesign and design the renovation of the historic Armory. Any money remaining upon completion of predesign and design may be used for the purposes in paragraph (c).

(c) \$4,000,000 of this appropriation is to construct, furnish, and equip the renovation of the historic Armory.

~~(b)~~ (d) This appropriation includes money for improvements for the Music Resource Center, the North Country Creative Center, and the Food Enterprise Center; interior building improvements, including structural enhancements to meet current applicable



building codes; improvements for compliance with Americans with Disabilities Act (ADA) requirements; and building systems, including mechanical, electrical, plumbing, and utility upgrades.

(e) (e) This project must use design and construction methods to maximize consideration of energy efficiency and long-life cycle materials, while meeting the requirements of the federal National Parks Service, Secretary of Interior Standards for Rehabilitation.

(f) (f) Due to the integrated nature of the overall development, public bidding is not required for this project."

Page 10, line 16, delete "\$1,500,000"

Page 10, line 17, delete "of"

Page 11, after line 10, insert:

"Sec. 25. Laws 2023, chapter 71, article 1, section 14, subdivision 81, is amended to read:

Subd. 81. **Open Arms**

500,000

For a grant to Open Arms of Minnesota to ~~construct, renovate, furnish, and equip~~ acquire items of capital equipment to be used for a new kitchen and nutrition counseling center in Ramsey County to expand access to medically tailored meals for Minnesotans with life-threatening illnesses. These funds are available for expenditures made on or after July 1, 2023.

Page 14, line 11, strike "of" and insert "off"

Page 14, line 12, strike "installation" and after "~~main~~" insert "install"

Page 14, line 13, delete "replacement of" and insert "replace"

Page 15, after line 9, insert:

"Sec. 37. Laws 2023, chapter 72, article 2, section 7, subdivision 3, is amended to read:

Subd. 3. **Anoka County; Trunk Highway 65**

25,000,000

For one or more grants to the city of Blaine, Anoka County, or both for the predesign, right-of-way acquisition, design, engineering, and construction of intersection improvements along Trunk Highway 65 at 99th Avenue Northeast, 105th Avenue Northeast, Anoka County State-Aid Highway 12 (109th Avenue Northeast), Anoka County State-Aid Highway 116, and 117th Avenue Northeast and the associated frontage roads, backage roads, connecting local streets, and utility infrastructure improvements, if necessary or required for the construction.

Sec. 38. Laws 2023, chapter 72, article 2, section 7, subdivision 4, is amended to read:

Subd. 4. ~~Baytown Township~~; **Civil Air Patrol; Hangar**

150,000

For a grant to the ~~town of Baytown~~ Civil Air Patrol to construct, renovate, and equip a hangar ~~for the Civil Air Patrol~~ at the Lake Elmo Airport."

Page 15, line 27, after the second "to" insert "predesign and" and reinstate "~~design~~"

Page 15, line 29, delete "predesign and design" and strike "a new" and insert "improvements to the existing"

Page 17, line 2, delete "AMENDING APPROPRIATIONS OF GENERAL OBLIGATION BOND PROCEEDS" and insert "GENERAL OBLIGATION BONDS"

Page 19, line 29, strike "in Traverse County"

Page 21, lines 4 and 24, delete "the" and insert "this" and delete "in this subdivision"

Page 22, delete section 8

Page 23, line 12, delete "2026" and insert "2028"

Page 29, after line 12, insert:

"Sec. 17. Laws 2023, chapter 72, article 1, section 17, subdivision 2, is amended to read:

Subd. 2. **Inflow and Infiltration Grants**

12,000,000

(a) For grants to cities within the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, for

capital improvements in municipal wastewater collection systems to reduce the amount of inflow and infiltration to the Metropolitan Council's metropolitan sanitary sewer disposal system. The council must award grants based on applications from cities that identify eligible capital costs and include a timeline for inflow and infiltration mitigation construction, pursuant to guidelines established by the council.

(b) Any unencumbered amount of this appropriation on July 1, 2024, shall be issued as grants through the metropolitan cities inflow and infiltration grants program under Minnesota Statutes, section 473.5491."

Page 30, after line 4, insert:

### "ARTICLE 3

#### TRUNK HIGHWAY BONDS

Section 1. Laws 2021, First Special Session chapter 5, article 2, section 3, is amended to read:

#### Sec. 3. **BOND SALE EXPENSES**

**\$ 413,000**

(a) This appropriation is to the commissioner of management and budget for bond sale expenses under Minnesota Statutes, sections 16A.641, subdivision 8, and 167.50, subdivision 4.

(b) This appropriation is available in the amounts of:

- (1) \$213,000 in fiscal year 2022;
- (2) \$100,000 in fiscal year 2024; and
- (3) \$100,000 in fiscal year 2025.

(c) The appropriation in this section cancels as specified under Minnesota Statutes, section 16A.642, except that the commissioner of management and budget must count the start of authorization for issuance of state bonds as the first day of the fiscal year during which the bonds are

available to be issued as specified under paragraph (b), and not as the date of enactment of this section.

Sec. 2. Laws 2023, chapter 68, article 2, section 3, is amended to read:

Sec. 3. **BOND SALE EXPENSES** **\$ 610,000**

(a) This appropriation is to the commissioner of management and budget for bond sale expenses under Minnesota Statutes, sections 16A.641, subdivision 8, and 167.50, subdivision 4.

(b) This appropriation is available in the amounts of:

- (1) \$330,000 in fiscal year 2024;
- (2) \$140,000 in fiscal year 2025; and
- (3) \$140,000 in fiscal year 2026.

(c) The appropriation in this section cancels as specified under Minnesota Statutes, section 16A.642, except that the commissioner of management and budget must count the start of authorization for issuance of state bonds as the first day of the fiscal year during which the bonds are available to be issued as specified under paragraph (b), and not as the date of enactment of this section.

Sec. 3. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

## ARTICLE 4

### MISCELLANEOUS

Section 1. Minnesota Statutes 2022, section 16A.642, subdivision 1, is amended to read:

Subdivision 1. **Reports.** (a) The commissioner of management and budget shall report to the chairs of the senate Committee on Finance and the house of representatives Committees on Ways and Means and Capital Investment by ~~January~~ February 1 of each year on the following:

(1) all laws authorizing the issuance of state bonds, bonds supported by a state appropriation, or appropriating general fund money for state or local government capital investment projects enacted

more than four years before January 1 of that year; the projects authorized to be acquired and constructed for which less than 100 percent of the authorized total cost has been expended, encumbered, or otherwise obligated; the cost of contracts to be let in accordance with existing plans and specifications shall be considered expended for this report; and the amount of general fund money appropriated but not spent or otherwise obligated, and the amount of bonds not issued and bond proceeds held but not previously expended, encumbered, or otherwise obligated for these projects; and

(2) all laws authorizing the issuance of state bonds, bonds supported by a state appropriation, or appropriating general fund money for state or local government capital programs or projects other than those described in clause (1), enacted more than four years before January 1 of that year; and the amount of general fund money appropriated but not spent or otherwise obligated, and the amount of bonds not issued and bond proceeds held but not previously expended, encumbered, or otherwise obligated for these programs and projects.

(b) The commissioner shall also report on general fund appropriations for capital projects, bond authorizations or bond proceed balances that may be canceled because projects have been canceled, completed, or otherwise concluded, or because the purposes for which the money was appropriated or bonds were authorized or issued have been canceled, completed, or otherwise concluded. The general fund appropriations, bond authorizations or bond proceed balances that are unencumbered or otherwise not obligated that are reported by the commissioner under this subdivision are canceled, effective July 1 of the year of the report, unless specifically reauthorized by act of the legislature.

(c) The reports required by this subdivision shall only contain bond authorizations supported by a state appropriation and their associated general fund appropriations for projects authorized or amended after December 31, 2013.

## Sec. 2. EFFECTIVE DATE.

This article is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "modifying a due date for an annual report;"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

## **Senator Marty from the Committee on Finance, to which was referred**

**S.F. No. 4936:** A bill for an act relating to state finance; establishing a tax-forfeited lands settlement account; appropriating money; transferring money; proposing coding for new law in Minnesota Statutes, chapter 282.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **TAX-FORFEITED LANDS SETTLEMENT; APPROPRIATION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Applicable start date" means:

(1) for Hennepin County, August 16, 2012;

(2) for Saint Louis County, June 2, 2016; and

(3) for all other counties, June 23, 2016.

(c) "Commissioner" means the commissioner of management and budget.

(d) "Participating county" means a county that:

(1) elects to participate in the settlement;

(2) agrees to provide the claims administrator administering the settlement with all public property tax records reasonably necessary to effectuate the settlement agreement by August 1, 2024;

(3) agrees to make a good faith effort to sell all properties that forfeited between the applicable start date and December 31, 2023, other than those that are classified as conservation lands, those that are part of a rehabilitation program, and those in which title is no longer held in trust by the state of Minnesota for taxing districts;

(4) agrees that for any sale made under clause (3):

(i) the county will conduct an auction of the property, either in person or online; list the property through a private broker; or, if the property meets the criteria in Minnesota Statutes, section 282.01, subdivision 7a, sell the property pursuant to that subdivision;

(ii) the sale will be for no less than its appraised value;

(iii) the sale will be for cash only and not on terms; and

(iv) notwithstanding any provision of Minnesota Statutes, chapter 282, to the contrary, for any property sold on or after the effective date of this section, 75 percent of the proceeds of any sale on or before June 30, 2027, and 85 percent of the proceeds of any sale on or after July 1, 2027, and on or before June 30, 2029, will be remitted to the commissioner for deposit in the general fund and the remaining proceeds will be retained by the county to be used for any permissible purpose; and

(5) agrees that any properties subject to sale under clause (3) that remain unsold on June 30, 2029, must continue to be managed under the laws governing tax-forfeited lands until they are disposed of under those laws.

(e) "Settlement" means the agreement reached on February 28, 2024, settling litigation related to the state's retention of tax-forfeited lands, surplus proceeds from the sale of tax-forfeited lands, and mineral rights in those lands.

Subd. 2. **Receipts.** The commissioner must deposit into the general fund any proceeds remitted to the commissioner by participating counties under subdivision 1, paragraph (d), clause (4), item (iv), or any amounts returned by the claims administrator.

Subd. 3. **Nonparticipating counties.** A county that is not a participating county retains all risk of liability for claims related to properties forfeited before January 1, 2024. The state of Minnesota is not financially responsible for claims related to those properties and may seek indemnification from counties that are not participating counties for any expenses or judgments related to those properties.

Subd. 4. **Appropriation.** \$109,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of management and budget to make payments to the claims administrator under the terms of the settlement. This is a onetime appropriation and is available until June 30, 2026. The claims administrator must return any money that remains unspent on June 30, 2026.

Subd. 5. **Report.** (a) By December 31, 2024, and each December 31 thereafter, each participating county must report to the commissioner of management and budget the following information pertaining to parcels that forfeited between the applicable start date and December 31, 2023:

(1) the date on which each parcel forfeited;

(2) a brief description of the good faith efforts made to list and sell properties under this section;  
and

(3) if a parcel was sold, the purchase price and the amount remitted to the commissioner by each participating county under subdivision 1, paragraph (d), clause (4), item (iv).

(b) By February 1, 2025, and each February 1 thereafter, the commissioner of management and budget must compile the information reported under paragraph (a) and issue a report listing the reported information by county to the legislative committees with jurisdiction over finance, environment, and taxes.

(c) This subdivision expires February 2, 2030.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state finance; appropriating money for a settlement agreement related to tax-forfeited lands."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Finance, to which was re-referred**

**S.F. No. 4745:** A bill for an act relating to workers' compensation; making policy and technical changes to workers' compensation coverage and hearings; modifying provisions related to the Workers' Compensation Court of Appeals; amending Minnesota Statutes 2022, sections 176.011, subdivisions 1a, 2, 18; 176.101, subdivision 1; 176.102, subdivision 13; 176.104, subdivision 1; 176.106, subdivision 4; 176.129, subdivision 10; 176.1292, subdivisions 2, 9; 176.137, subdivisions

2, 5; 176.155, subdivision 2; 176.231, subdivision 9a; 176.238, subdivisions 1, 2, 3, 4, 5, 6, 7, 10; 176.239, subdivisions 2, 3, 4, 5, 9, 10; 176.253, subdivision 2; 176.2611, subdivision 7; 176.271, subdivision 1; 176.275, subdivision 1; 176.285, subdivisions 2, 2a, 2b; 176.305, subdivision 1; 176.321, subdivisions 1, 3; 176.322; 176.341, subdivision 6; 176.361, subdivisions 1, 4; 176.421, subdivision 7; Minnesota Statutes 2023 Supplement, sections 176.081, subdivision 1; 176.101, subdivision 2a; 176.135, subdivision 7; 176.155, subdivision 1; 176.239, subdivisions 6, 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Wiklund from the Committee on Health and Human Services, to which was re-referred**

**S.F. No. 4570:** A bill for an act relating to health occupations; establishing guest licensure for marriage and family therapy; establishing fees; amending Minnesota Statutes 2023 Supplement, section 148B.392, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

## **"ARTICLE 1**

### **TRANSFER CARE SPECIALISTS**

Section 1. Minnesota Statutes 2022, section 149A.01, subdivision 3, is amended to read:

Subd. 3. **Exceptions to licensure.** (a) Except as otherwise provided in this chapter, nothing in this chapter shall in any way interfere with the duties of:

(1) an anatomical bequest program located within an accredited school of medicine or an accredited college of mortuary science;

(2) a person engaged in the performance of duties prescribed by law relating to the conditions under which unclaimed dead human bodies are held subject to anatomical study;

(3) authorized personnel from a licensed ambulance service in the performance of their duties;

(4) licensed medical personnel in the performance of their duties; or

(5) the coroner or medical examiner in the performance of the duties of their offices.

(b) This chapter does not apply to or interfere with the recognized customs or rites of any culture or recognized religion in the ceremonial washing, dressing, casketing, and public transportation of their dead, to the extent that all other provisions of this chapter are complied with.

(c) Noncompensated persons with the right to control the dead human body, under section 149A.80, subdivision 2, may remove a body from the place of death; transport the body; prepare the body for disposition, except embalming; or arrange for final disposition of the body, provided that all actions are in compliance with this chapter.



(d) Persons serving internships pursuant to section 149A.20, subdivision 6, ~~or~~; students officially registered for a practicum or clinical through a program of mortuary science accredited by the American Board of Funeral Service Education; or transfer care specialists registered pursuant to section 149A.47 are not required to be licensed, provided that the persons ~~or~~ students, or transfer care specialists are registered with the commissioner and act under the direct and exclusive supervision of a person holding a current license to practice mortuary science in Minnesota.

(e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit an institution or entity from establishing, implementing, or enforcing a policy that permits only persons licensed by the commissioner to remove or cause to be removed a dead body or body part from the institution or entity.

(f) An unlicensed person may arrange for and direct or supervise a memorial service if that person or that person's employer does not have charge of the dead human body. An unlicensed person may not take charge of the dead human body, unless that person has the right to control the dead human body under section 149A.80, subdivision 2, or is that person's noncompensated designee.

Sec. 2. Minnesota Statutes 2022, section 149A.02, subdivision 13a, is amended to read:

Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance of an individual. For the purpose of a clinical, practicum, or internship, direct supervision means that the supervisor is available to observe and correct, as needed, the performance of the trainee. For the purpose of a transfer care specialist, direct supervision means that the supervisor is available by being physically present or by telephone to advise and correct, as needed, the performance of the transfer care specialist. The supervising mortician supervisor is accountable for the actions of the clinical student, practicum student, or intern throughout the course of the training. The supervising mortician is accountable for any violations of law or rule, in the performance of their duties, by the clinical student, practicum student, ~~or~~ intern, or transfer care specialist.

Sec. 3. Minnesota Statutes 2022, section 149A.02, is amended by adding a subdivision to read:

Subd. 37d. **Transfer care specialist.** "Transfer care specialist" means an individual who is registered with the commissioner in accordance with section 149A.47 and is authorized to perform the removal of a dead human body from the place of death under the direct supervision of a licensed mortician.

Sec. 4. Minnesota Statutes 2022, section 149A.03, is amended to read:

#### **149A.03 DUTIES OF COMMISSIONER.**

The commissioner shall:

(1) enforce all laws and adopt and enforce rules relating to the:

(i) removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies;

(ii) licensure, registration, and professional conduct of funeral directors, morticians, interns, practicum students, ~~and~~ clinical students, and transfer care specialists;

- (iii) licensing and operation of a funeral establishment;
- (iv) licensing and operation of an alkaline hydrolysis facility; and
- (v) licensing and operation of a crematory;
- (2) provide copies of the requirements for licensure, registration, and permits to all applicants;
- (3) administer examinations and issue licenses, registrations, and permits to qualified persons and other legal entities;
- (4) maintain a record of the name and location of all current licensees ~~and~~ interns, and transfer care specialists;
- (5) perform periodic compliance reviews and premise inspections of licensees;
- (6) accept and investigate complaints relating to conduct governed by this chapter;
- (7) maintain a record of all current preneed arrangement trust accounts;
- (8) maintain a schedule of application, examination, permit, registration, and licensure fees, initial and renewal, sufficient to cover all necessary operating expenses;
- (9) educate the public about the existence and content of the laws and rules for mortuary science licensing and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies to enable consumers to file complaints against licensees and others who may have violated those laws or rules;
- (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science in order to refine the standards for licensing and to improve the regulatory and enforcement methods used; and
- (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the laws, rules, or procedures governing the practice of mortuary science and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies.

Sec. 5. Minnesota Statutes 2022, section 149A.09, is amended to read:

**149A.09 DENIAL; REFUSAL TO REISSUE; REVOCATION; SUSPENSION; LIMITATION OF LICENSE, REGISTRATION, OR PERMIT.**

Subdivision 1. **Denial; refusal to renew; revocation; and suspension.** The regulatory agency may deny, refuse to renew, revoke, or suspend any license, registration, or permit applied for or issued pursuant to this chapter when the person subject to regulation under this chapter:

- (1) does not meet or fails to maintain the minimum qualification for holding a license, registration, or permit under this chapter;

(2) submits false or misleading material information to the regulatory agency in connection with a license, registration, or permit issued by the regulatory agency or the application for a license, registration, or permit;

(3) violates any law, rule, order, stipulation agreement, settlement, compliance agreement, license, registration, or permit that regulates the removal, preparation, transportation, arrangements for disposition, or final disposition of dead human bodies in Minnesota or any other state in the United States;

(4) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea in any court in Minnesota or any other jurisdiction in the United States. "Conviction," as used in this subdivision, includes a conviction for an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned, but the adjudication of guilt is either withheld or not entered;

(5) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea in any court in Minnesota or any other jurisdiction in the United States that the regulatory agency determines is reasonably related to the removal, preparation, transportation, arrangements for disposition or final disposition of dead human bodies, or the practice of mortuary science;

(6) is adjudicated as mentally incompetent, mentally ill, developmentally disabled, or mentally ill and dangerous to the public;

(7) has a conservator or guardian appointed;

(8) fails to comply with an order issued by the regulatory agency or fails to pay an administrative penalty imposed by the regulatory agency;

(9) owes uncontested delinquent taxes in the amount of \$500 or more to the Minnesota Department of Revenue, or any other governmental agency authorized to collect taxes anywhere in the United States;

(10) is in arrears on any court ordered family or child support obligations; or

(11) engages in any conduct that, in the determination of the regulatory agency, is unprofessional as prescribed in section 149A.70, subdivision 7, or renders the person unfit to practice mortuary science or to operate a funeral establishment or crematory.

**Subd. 2. Hearings related to refusal to renew, suspension, or revocation of license, registration, or permit.** If the regulatory agency proposes to deny renewal, suspend, or revoke a license, registration, or permit issued under this chapter, the regulatory agency must first notify, in writing, the person against whom the action is proposed to be taken and provide an opportunity to request a hearing under the contested case provisions of sections 14.57 to 14.62. If the subject of the proposed action does not request a hearing by notifying the regulatory agency, by mail, within 20 calendar days after the receipt of the notice of proposed action, the regulatory agency may proceed with the action without a hearing and the action will be the final order of the regulatory agency.

Subd. 3. **Review of final order.** A judicial review of the final order issued by the regulatory agency may be requested in the manner prescribed in sections 14.63 to 14.69. Failure to request a hearing pursuant to subdivision 2 shall constitute a waiver of the right to further agency or judicial review of the final order.

Subd. 4. **Limitations or qualifications placed on license, registration, or permit.** The regulatory agency may, where the facts support such action, place reasonable limitations or qualifications on the right to practice mortuary science ~~or~~, to operate a funeral establishment or crematory, or to perform activities or actions permitted under this chapter.

Subd. 5. **Restoring license, registration, or permit.** The regulatory agency may, where there is sufficient reason, restore a license, registration, or permit that has been revoked, reduce a period of suspension, or remove limitations or qualifications.

Sec. 6. Minnesota Statutes 2022, section 149A.11, is amended to read:

#### **149A.11 PUBLICATION OF DISCIPLINARY ACTIONS.**

The regulatory agencies shall report all disciplinary measures or actions taken to the commissioner. At least annually, the commissioner shall publish and make available to the public a description of all disciplinary measures or actions taken by the regulatory agencies. The publication shall include, for each disciplinary measure or action taken, the name and business address of the licensee ~~or~~, intern, or transfer care specialist; the nature of the misconduct; and the measure or action taken by the regulatory agency.

#### **Sec. 7. [149A.47] TRANSFER CARE SPECIALIST.**

Subdivision 1. **General.** A transfer care specialist may remove a dead human body from the place of death under the direct supervision of a licensed mortician if the transfer care specialist is registered with the commissioner in accordance with this section. A transfer care specialist is not licensed to engage in the practice of mortuary science and shall not engage in the practice of mortuary science except as provided in this section. A transfer care specialist must be an employee of a licensed funeral establishment.

Subd. 2. **Registration.** (a) To be eligible for registration as a transfer care specialist, an applicant must submit to the commissioner:

(1) a completed application on a form provided by the commissioner that includes at a minimum:

(i) the applicant's name, home address and telephone number, business name, business address and telephone number, and email address; and

(ii) the name, license number, business name, and business address and telephone number of the supervising licensed mortician;

(2) proof of completion of a training program that meets the requirements specified in subdivision 4; and

(3) the appropriate fee specified in section 149A.65.

(b) All transfer care specialist registrations are valid for one calendar year, beginning on January 1 and ending on December 31 regardless of the date of issuance. Fees shall not be prorated.

Subd. 3. **Duties.** (a) A transfer care specialist registered under this section is authorized to perform the removal of a dead human body from the place of death in accordance with this chapter to a licensed funeral establishment. A transfer care specialist must comply with the universal precaution requirements in section 149A.91, subdivision 1, when handling a dead human body.

(b) A transfer care specialist must work under the direct supervision of a licensed mortician. The supervising mortician is responsible for the work performed by the transfer care specialist. A licensed mortician may supervise up to four transfer care specialists at any one time.

Subd. 4. **Training program and continuing education.** (a) Each transfer care specialist must complete a training program prior to initial registration. A training program must be at least seven hours long and must cover, at a minimum, the following:

(1) ethical care and transportation procedures for a deceased person;

(2) health and safety concerns to the public and the individual performing the transfer of the deceased person, and the use of universal precautions and other reasonable precautions to minimize the risk for transmitting communicable diseases; and

(3) all relevant state and federal laws and regulations related to the transfer and transportation of deceased persons.

(b) A transfer care specialist must complete three hours of continuing education annually on content described in paragraph (a), clauses (1) to (3), and submit evidence of completion with the individual's registration renewal.

Subd. 5. **Renewal.** (a) A registration issued under this section expires on December 31 of the calendar year in which the registration was issued and must be renewed to remain valid.

(b) To renew a registration, a transfer care specialist must submit to the commissioner a completed renewal application as provided by the commissioner and the appropriate fee specified in section 149A.65. The renewal application must include proof of completion of the continuing education requirements in subdivision 4.

Sec. 8. Minnesota Statutes 2022, section 149A.60, is amended to read:

#### **149A.60 PROHIBITED CONDUCT.**

The regulatory agency may impose disciplinary measures or take disciplinary action against a person whose conduct is subject to regulation under this chapter for failure to comply with any provision of this chapter or laws, rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, and permits adopted, or issued for the regulation of the removal, preparation, transportation, arrangements for disposition or final disposition of dead human bodies, or for the regulation of the practice of mortuary science.

Sec. 9. Minnesota Statutes 2022, section 149A.61, subdivision 4, is amended to read:

Subd. 4. **Licensees ~~and~~, interns, and transfer care specialists.** A licensee ~~or~~ intern, or transfer care specialist regulated under this chapter may report to the commissioner any conduct that the licensee ~~or~~ intern, or transfer care specialist has personal knowledge of, and reasonably believes constitutes grounds for, disciplinary action under this chapter.

Sec. 10. Minnesota Statutes 2022, section 149A.61, subdivision 5, is amended to read:

Subd. 5. **Courts.** The court administrator of district court or any court of competent jurisdiction shall report to the commissioner any judgment or other determination of the court that adjudges or includes a finding that a licensee ~~or~~ intern, or transfer care specialist is a person who is mentally ill, mentally incompetent, guilty of a felony or gross misdemeanor, guilty of violations of federal or state narcotics laws or controlled substances acts; appoints a guardian or conservator for the licensee ~~or~~ intern, or transfer care specialist; or commits a licensee ~~or~~ intern, or transfer care specialist.

Sec. 11. Minnesota Statutes 2022, section 149A.62, is amended to read:

#### **149A.62 IMMUNITY; REPORTING.**

Any person, private agency, organization, society, association, licensee, ~~or~~ intern, or transfer care specialist who, in good faith, submits information to a regulatory agency under section 149A.61 or otherwise reports violations or alleged violations of this chapter, is immune from civil liability or criminal prosecution. This section does not prohibit disciplinary action taken by the commissioner against any licensee ~~or~~ intern, or transfer care specialist pursuant to a self report of a violation.

Sec. 12. Minnesota Statutes 2022, section 149A.63, is amended to read:

#### **149A.63 PROFESSIONAL COOPERATION.**

A licensee, clinical student, practicum student, intern, transfer care specialist, or applicant for licensure under this chapter that is the subject of or part of an inspection or investigation by the commissioner or the commissioner's designee shall cooperate fully with the inspection or investigation. Failure to cooperate constitutes grounds for disciplinary action under this chapter.

Sec. 13. Minnesota Statutes 2022, section 149A.65, subdivision 2, is amended to read:

Subd. 2. **Mortuary science fees.** Fees for mortuary science are:

- (1) \$75 for the initial and renewal registration of a mortuary science intern;
- (2) \$125 for the mortuary science examination;
- (3) \$200 for issuance of initial and renewal mortuary science licenses;
- (4) \$100 late fee charge for a license renewal; ~~and~~
- (5) \$250 for issuing a mortuary science license by endorsement; and
- (6) \$..... for the initial and renewal registration of a transfer care specialist.

Sec. 14. Minnesota Statutes 2022, section 149A.70, subdivision 3, is amended to read:

Subd. 3. **Advertising.** No licensee, clinical student, practicum student, ~~or intern,~~ or transfer care specialist shall publish or disseminate false, misleading, or deceptive advertising. False, misleading, or deceptive advertising includes, but is not limited to:

(1) identifying, by using the names or pictures of, persons who are not licensed to practice mortuary science in a way that leads the public to believe that those persons will provide mortuary science services;

(2) using any name other than the names under which the funeral establishment, alkaline hydrolysis facility, or crematory is known to or licensed by the commissioner;

(3) using a surname not directly, actively, or presently associated with a licensed funeral establishment, alkaline hydrolysis facility, or crematory, unless the surname had been previously and continuously used by the licensed funeral establishment, alkaline hydrolysis facility, or crematory; and

(4) using a founding or establishing date or total years of service not directly or continuously related to a name under which the funeral establishment, alkaline hydrolysis facility, or crematory is currently or was previously licensed.

Any advertising or other printed material that contains the names or pictures of persons affiliated with a funeral establishment, alkaline hydrolysis facility, or crematory shall state the position held by the persons and shall identify each person who is licensed or unlicensed under this chapter.

Sec. 15. Minnesota Statutes 2022, section 149A.70, subdivision 4, is amended to read:

Subd. 4. **Solicitation of business.** No licensee shall directly or indirectly pay or cause to be paid any sum of money or other valuable consideration for the securing of business or for obtaining the authority to dispose of any dead human body.

For purposes of this subdivision, licensee includes a registered intern, transfer care specialist, or any agent, representative, employee, or person acting on behalf of the licensee.

Sec. 16. Minnesota Statutes 2022, section 149A.70, subdivision 5, is amended to read:

Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student, ~~or intern,~~ or transfer care specialist shall offer, solicit, or accept a commission, fee, bonus, rebate, or other reimbursement in consideration for recommending or causing a dead human body to be disposed of by a specific body donation program, funeral establishment, alkaline hydrolysis facility, crematory, mausoleum, or cemetery.

Sec. 17. Minnesota Statutes 2022, section 149A.70, subdivision 7, is amended to read:

Subd. 7. **Unprofessional conduct.** No licensee ~~or intern,~~ or transfer care specialist shall engage in or permit others under the licensee's ~~or intern's,~~ or transfer care specialist's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(1) harassing, abusing, or intimidating a customer, employee, or any other person encountered while within the scope of practice, employment, or business;

(2) using profane, indecent, or obscene language within the immediate hearing of the family or relatives of the deceased;

(3) failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business;

(4) the habitual overindulgence in the use of or dependence on intoxicating liquors, prescription drugs, over-the-counter drugs, illegal drugs, or any other mood altering substances that substantially impair a person's work-related judgment or performance;

(5) revealing personally identifiable facts, data, or information about a decedent, customer, member of the decedent's family, or employee acquired in the practice or business without the prior consent of the individual, except as authorized by law;

(6) intentionally misleading or deceiving any customer in the sale of any goods or services provided by the licensee;

(7) knowingly making a false statement in the procuring, preparation, or filing of any required permit or document; or

(8) knowingly making a false statement on a record of death.

Sec. 18. Minnesota Statutes 2022, section 149A.90, subdivision 2, is amended to read:

Subd. 2. **Removal from place of death.** No person subject to regulation under this chapter shall remove or cause to be removed any dead human body from the place of death without being licensed or registered by the commissioner. Every dead human body shall be removed from the place of death by a licensed mortician or funeral director, except as provided in section 149A.01, subdivision 3.

Sec. 19. Minnesota Statutes 2022, section 149A.90, subdivision 4, is amended to read:

Subd. 4. **Certificate of removal.** No dead human body shall be removed from the place of death by a mortician ~~or~~ funeral director, or transfer care specialist or by a noncompensated person with the right to control the dead human body without the completion of a certificate of removal and, where possible, presentation of a copy of that certificate to the person or a representative of the legal entity with physical or legal custody of the body at the death site. The certificate of removal shall be in the format provided by the commissioner that contains, at least, the following information:

(1) the name of the deceased, if known;

(2) the date and time of removal;

(3) a brief listing of the type and condition of any personal property removed with the body;

(4) the location to which the body is being taken;



(5) the name, business address, and license number of the individual making the removal; and

(6) the signatures of the individual making the removal and, where possible, the individual or representative of the legal entity with physical or legal custody of the body at the death site.

Sec. 20. Minnesota Statutes 2022, section 149A.90, subdivision 5, is amended to read:

Subd. 5. **Retention of certificate of removal.** A copy of the certificate of removal shall be given, where possible, to the person or representative of the legal entity having physical or legal custody of the body at the death site. The original certificate of removal shall be retained by the individual making the removal and shall be kept on file, at the funeral establishment to which the body was taken, for a period of three calendar years following the date of the removal. If the removal was performed by a transfer care specialist not employed by the funeral establishment to which the body was taken, the transfer care specialist must retain a copy of the certificate of removal at the transfer care specialist's business address as registered with the commissioner for a period of three calendar years following the date of removal. Following this period, and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

## ARTICLE 2

### BEHAVIOR ANALYST LICENSURE

#### Section 1. [148.9981] DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 148.9981 to 148.9995, the terms in this section have the meanings given.

Subd. 2. **Accredited school or educational program.** "Accredited school or educational program" means a school, university, college, or other postsecondary education program that, at the time the student completes the program, is accredited by a regional accrediting association whose standards are substantially equivalent to those of the North Central Association of Colleges and Postsecondary Education Institutions or an accrediting association that evaluates schools of behavior analysis, psychology, or education for inclusion of the education, practicum, and core function standards.

Subd. 3. **Advisory council.** "Advisory council" means the Behavior Analyst Advisory Council established in section 148.9994.

Subd. 4. **Board.** "Board" means the Board of Psychology established in section 148.90.

Subd. 5. **Certifying entity.** "Certifying entity" means the Behavior Analyst Certification Board, Inc., or a successor organization or other organization approved by the board in consultation with the advisory council.

Subd. 6. **Client.** "Client" means an individual who is the recipient of behavior analysis services. Client also means "patient" as defined in section 144.291, subdivision 2, paragraph (g).

Subd. 7. **Licensed assistant behavior analyst.** "Licensed assistant behavior analyst" or "assistant behavior analyst" means an individual who holds a valid license issued under sections 148.9981 to 148.9995 to assist in the practice of applied behavior analysis.

Subd. 8. **Licensed behavior analyst.** "Licensed behavior analyst" or "behavior analyst" means an individual who holds a valid license issued under sections 148.9981 to 148.9995 to engage in the practice of applied behavior analysis.

Subd. 9. **Licensee.** "Licensee" means an individual who holds a valid license issued under sections 148.9981 to 148.9995.

Subd. 10. **Practice of applied behavior analysis.** (a) "Practice of applied behavior analysis" means the design, implementation, and evaluation of social, instructional, and environmental modifications to produce socially significant improvements in human behavior. The practice of applied behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional behavioral assessment and analysis. Applied behavior analysis interventions are based on scientific research, direct and indirect observation, and measurement of behavior and environment and utilize contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific social, instructional, and environmental conditions.

(b) The practice of applied behavior analysis does not include the diagnosis of psychiatric or mental health disorders, psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, hypnotherapy, psychoanalysis, or psychological counseling.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

## Sec. 2. **[148.9982] DUTIES OF THE BOARD OF PSYCHOLOGY.**

Subdivision 1. **General.** The board, in consultation with the advisory council, must:

(1) adopt and enforce standards for licensure, licensure renewal, and the regulation of behavior analysts and assistant behavior analysts;

(2) issue licenses to qualified individuals under sections 148.9981 to 148.9995;

(3) carry out disciplinary actions against licensed behavior analysts and assistant behavior analysts;

(4) educate the public about the existence and content of the regulations for behavior analyst licensing to enable consumers to file complaints against licensees who may have violated laws or rules the board is empowered to enforce; and

(5) collect license fees for behavior analysts and assistant behavior analysts as specified under section 148.9995.

Subd. 2. **Rulemaking.** (a) The board, in consultation with the advisory council, may adopt rules necessary to carry out the provisions of sections 148.9981 to 148.9995.

(b) The board, in consultation with the advisory council, may adopt rules related to the supervision requirements for licensed assistant behavior analysts.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 3. **[148.9983] REQUIREMENTS FOR LICENSURE.**

Subdivision 1. **General.** An individual seeking licensure as a behavior analyst or an assistant behavior analyst must complete and submit a written application on forms provided by the board together with the appropriate fee as specified under section 148.9995.

Subd. 2. **Requirements for licensure.** (a) An applicant for licensure as a behavior analyst must submit evidence satisfactory to the board that the applicant:

(1) has a current and active national certification as a board-certified behavior analyst issued by the certifying entity; or

(2) has completed the equivalent requirements for certification by the certifying entity, including satisfactorily passing a psychometrically valid examination administered by a nationally accredited credentialing organization.

(b) An applicant for licensure as an assistant behavior analyst must submit evidence satisfactory to the board that the applicant:

(1) has a current and active national certification as an assistant behavior analyst issued by the certifying entity; or

(2) has completed the equivalent requirements for certification by the certifying entity, including satisfactorily passing a psychometrically valid examination administered by a nationally accredited credentialing organization.

Subd. 3. **Background investigation.** The applicant must complete a background check pursuant to section 214.075.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 4. **[148.9984] LICENSE RENEWAL REQUIREMENTS.**

Subdivision 1. **Biennial renewal.** A license must be renewed every two years.

Subd. 2. **License renewal notice.** At least 60 calendar days before the renewal deadline date, the board must mail a renewal notice to the licensee's last known address on file with the board. The notice must include instructions for accessing an online application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Subd. 3. **Renewal requirements.** (a) To renew a license, a licensee must submit to the board:

(1) a completed and signed application for license renewal;

(2) the license renewal fee as specified under section 148.9995; and

(3) evidence satisfactory to the board that the licensee holds a current and active national certification as a behavior analyst or assistant behavior analyst from the certifying entity or otherwise meets renewal requirements as established by the board, in consultation with the advisory council.

(b) The application for license renewal and fee must be postmarked or received by the board by the end of the day on which the license expires or the following business day if the expiration date falls on a Saturday, Sunday, or holiday. A renewal application that is not completed and signed, or that is not accompanied by the correct fee, is void and must be returned to the licensee.

Subd. 4. **Pending renewal.** If a licensee's application for license renewal is postmarked or received by the board by the end of the business day on the expiration date of the license or the following business day if the expiration date falls on a Saturday, Sunday, or holiday, the licensee may continue to practice after the expiration date while the application for license renewal is pending with the board.

Subd. 5. **Late renewal fee.** If the application for license renewal is postmarked or received after the expiration date of the license or the following business day if the expiration date falls on a Saturday, Sunday, or holiday, the licensee must pay a biennial renewal late fee as specified by section 148.9995, in addition to the renewal fee, before the licensee's application for license renewal will be considered by the board.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 5. **[148.9985] EXPIRED LICENSE.**

(a) Within 30 days after the renewal date, a licensee who has not renewed their license must be notified by letter, sent to the last known address of the licensee in the board's file, that the renewal is overdue and that failure to pay the current fee and current biennial renewal late fee within 60 days after the renewal date will result in termination of the license.

(b) The board must terminate the license of a licensee whose license renewal is at least 60 days overdue and to whom notification has been sent as provided in paragraph (a). Failure of a licensee to receive notification is not grounds for later challenge of the termination. The former licensee must be notified of the termination by letter within seven days after board action, in the same manner as provided in paragraph (a).

(c) Notwithstanding paragraph (b), the board retains jurisdiction over a former licensee for complaints received after termination of a license regarding conduct that occurred during licensure.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 6. **[148.9986] PROHIBITED PRACTICE OR USE OF TITLES; PENALTY.**

Subdivision 1. **Practice.** Effective January 1, 2025, an individual must not engage in the practice of applied behavior analysis unless the individual is licensed under sections 148.9981 to 148.9995 as a behavior analyst or assistant behavior analyst, or is exempt under section 148.9987. A psychologist licensed under sections 148.88 to 148.981 who practices behavior analysis is not required to obtain a license as a behavior analyst under sections 148.9981 to 148.9995.

Subd. 2. **Use of titles.** (a) An individual must not use a title incorporating the words "licensed behavior analyst," "behavior analyst," "licensed assistant behavior analyst," or "assistant behavior analyst," or use any other title or description stating or implying that they are licensed or otherwise qualified to practice applied behavior analysis, unless that person holds a valid license under sections 148.9981 to 148.9995.

(b) Notwithstanding paragraph (a), a licensed psychologist who practices applied behavior analysis within the psychologist's scope of practice may use the title "behavior analyst," but must not use the title "licensed behavior analyst" unless the licensed psychologist holds a valid license as a behavior analyst issued under sections 148.9981 to 148.9995.

Subd. 3. **Penalty.** An individual who violates this section is guilty of a misdemeanor.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 7. **[148.9987] EXCEPTIONS TO LICENSE REQUIREMENT.**

(a) Sections 148.9981 to 148.9995 must not be construed to prohibit or restrict:

(1) the practice of an individual who is licensed to practice psychology in the state or an individual who is providing psychological services under the supervision of a licensed psychologist in accordance with section 148.925;

(2) the practice of any other profession or occupation licensed, certified, or registered by the state by an individual duly licensed, certified, or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation;

(3) an individual who is employed by a school district from providing behavior analysis services as part of the individual's employment with the school district, so long as the individual does not provide behavior analysis services to any person or entity other than as an employee of the school district or accept remuneration for the provision of behavior analysis services outside of the individual's employment with the school district;

(4) an employee of a program licensed under chapter 245D from providing the services described in section 245D.091, subdivision 1;

(5) teaching behavior analysis or conducting behavior analysis research if the teaching or research does not involve the direct delivery of behavior analysis services;

(6) providing behavior analysis services by an unlicensed supervisee or trainee under the authority and direction of a licensed behavior analyst or licensed assistant behavior analyst and in compliance with the licensure and supervision standards required by law or rule;

(7) a family member or guardian of the recipient of behavior analysis services from performing behavior analysis services under the authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst; or

(8) students or interns enrolled in an accredited school or educational program, or participating in a behavior analysis practicum, from engaging in the practice of applied behavior analysis while supervised by a licensed behavior analyst, licensed assistant behavior analyst, or instructor of an accredited school or educational program. These individuals must be designated as a behavior analyst student or intern.

(b) Notwithstanding paragraph (a), a licensed psychologist may supervise an unlicensed supervisee, trainee, student, or intern who is engaged in the practice of behavior analysis if the supervision is authorized under the Minnesota Psychology Practice Act.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 8. [148.9988] NONTRANSFERABILITY OF LICENSES.**

A behavior analyst license or an assistant behavior analyst license is not transferable.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 9. [148.9989] DUTY TO MAINTAIN CURRENT INFORMATION.**

All licensees and applicants for licensure must notify the board within 30 days of the occurrence of:

(1) a change of name, address, place of employment, or home or business telephone number;  
or

(2) a change in any other application information.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 10. [148.999] DISCIPLINE; REPORTING.**

For purposes of sections 148.9981 to 148.9995, behavior analysts and assistant behavior analysts are subject to the provisions of sections 148.941, 148.952 to 148.965, and 148.98.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 11. [148.9991] COMPETENT PROVISION OF SERVICES.**

Subdivision 1. **Limits on practice.** Behavior analysts must limit practice to the client populations and services for which the behavior analysts have competence or for which the behavior analysts are developing competence.

Subd. 2. **Developing competence.** When a behavior analyst is developing competence in a service, method, or procedure, or is developing competence to treat a specific client population, the

behavior analyst must obtain professional education, training, continuing education, consultation, supervision or experience, or a combination thereof, necessary to demonstrate competence.

Subd. 3. **Limitations.** A behavior analyst must recognize the limitations to the scope of practice of applied behavior analysis. When the needs of a client appear to be outside the behavior analyst's scope of practice, the behavior analyst must inform the client that there may be other professional, technical, community, and administrative resources available to the client. A behavior analyst must assist with identifying resources when it is in the best interest of a client to be provided with alternative or complementary services.

Subd. 4. **Burden of proof.** Whenever a complaint is submitted to the board involving a violation of this section, the burden of proof is on the behavior analyst to demonstrate that the elements of competence have been reasonably met.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 12. **[148.9992] DUTY TO WARN; LIMITATION ON LIABILITY; VIOLENT BEHAVIOR OF PATIENT.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this subdivision have the meanings given.

(b) "Other person" means an immediate family member or someone who personally knows the client and has reason to believe the client is capable of and will carry out a serious, specific threat of harm to a specific, clearly identified or identifiable victim.

(c) "Reasonable efforts" means communicating a serious, specific threat to the potential victim and, if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim or the client.

(d) "Licensee" includes behavior analysis students, interns, and unlicensed supervisees who are participating in a behavior analysis practicum or enrolled in an accredited school or educational program.

Subd. 2. **Duty to warn.** The duty to predict, warn of, or take reasonable precautions to provide protection from violent behavior arises only when a client or other person has communicated to the licensee a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty is discharged by the licensee if reasonable efforts are made to communicate the threat.

Subd. 3. **Liability standard.** If no duty to warn exists under subdivision 2, then no monetary liability and no cause of action may arise against a licensee for failure to predict, warn of, or take reasonable precautions to provide protection from a client's violent behavior.

Subd. 4. **Disclosure of confidences.** Good faith compliance with the duty to warn must not constitute a breach of confidence and must not result in monetary liability or a cause of action against the licensee.

Subd. 5. **Continuity of care.** Subdivision 2 must not be construed to authorize a licensee to terminate treatment of a client as a direct result of a client's violent behavior or threat of physical violence unless the client is referred to another practitioner or appropriate health care facility.

Subd. 6. **Exception.** This section does not apply to a threat to commit suicide or other threats by a client to harm the client, or to a threat by a client who is adjudicated as a person who has a mental illness and is dangerous to the public under chapter 253B.

Subd. 7. **Optional disclosure.** This section must not be construed to prohibit a licensee from disclosing confidences to third parties in a good faith effort to warn or take precautions against a client's violent behavior or threat to commit suicide for which a duty to warn does not arise.

Subd. 8. **Limitation on liability.** No monetary liability and no cause of action or disciplinary action by the board may arise against a licensee for disclosure of confidences to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good faith effort to warn against or take precautions against a client's violent behavior or threat of suicide for which a duty to warn does not arise.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 13. **[148.9993] INFORMED CONSENT.**

Subdivision 1. **Obtaining informed consent for services.** A behavior analyst must obtain informed consent from the client or the client's legal guardian before initiating services. The informed consent must be in writing, signed by the client, and include, at a minimum, the following:

- (1) consent for the behavior analyst to engage in activities that directly affect the client;
- (2) the goals, purposes, and procedures of the proposed services;
- (3) the factors that may impact the duration of the proposed services;
- (4) the applicable fee schedule for the proposed services;
- (5) the significant risks and benefits of the proposed services;
- (6) the behavior analyst's limits under section 148.9991, including, if applicable, information that the behavior analyst is developing competence in the proposed service, method, or procedure, and alternatives to the proposed service, if any; and
- (7) the behavior analyst's responsibilities if the client terminates the service.

Subd. 2. **Updating informed consent.** If there is a substantial change in the nature or purpose of a service, the behavior analyst must obtain a new informed consent from the client.

Subd. 3. **Emergency or crisis services.** Informed consent is not required when a behavior analyst is providing emergency or crisis services. If services continue after the emergency or crisis has abated, informed consent must be obtained.

**EFFECTIVE DATE.** This section is effective July 1, 2024.



Sec. 14. [148.9994] BEHAVIOR ANALYST ADVISORY COUNCIL.

Subdivision 1. **Membership.** The Behavior Analyst Advisory Council is created and composed of seven members appointed by the board. The advisory council consists of:

- (1) one public member as defined in section 214.02;
- (2) three members who are licensed behavior analysts;
- (3) two members who are licensed assistant behavior analysts; and
- (4) one member who is a licensed psychologist and, to the extent practicable, who practices applied behavior analysis.

Subd. 2. **Administration.** The advisory council is established and administered under section 15.059, except that the advisory council does not expire.

Subd. 3. **Duties.** The advisory council must:

- (1) advise the board regarding standards for behavior analysts and assistant behavior analysts;
- (2) assist with the distribution of information regarding behavior analyst standards;
- (3) advise the board on enforcement of sections 148.9981 to 148.9995;
- (4) review license applications and license renewal applications and make recommendations to the board;
- (5) review complaints and complaint investigation reports and make recommendations to the board on whether disciplinary action should be taken and, if applicable, what type;
- (6) advise the board regarding evaluation and treatment protocols; and
- (7) perform other duties authorized for advisory councils under chapter 214 as directed by the board to ensure effective oversight of behavior analysts and assistant behavior analysts.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 15. [148.9995] FEES.

Subdivision 1. **Fees.** All applicants and licensees must pay fees as follows:

- (1) application fee, \$.....;
- (2) license renewal fee, \$.....;
- (3) inactive license renewal fee, \$.....;
- (4) biennial renewal late fee, \$.....;
- (5) inactive license renewal late fee, \$.....; and

(6) supervisor application processing fee, \$.....

Subd. 2. **Nonrefundable fees.** All fees in this section are nonrefundable.

Subd. 3. **Deposit of fees.** Fees collected by the board under this section must be deposited in the state government special revenue fund.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 16. **INITIAL APPLIED BEHAVIOR ANALYST ADVISORY COUNCIL.**

The Board of Psychology must make the first appointments to the Behavior Analyst Advisory Council authorized under Minnesota Statutes, section 148.9994, by September 1, 2024. The initial behavior analysts and assistant behavior analysts appointed to the advisory council need not be licensed under Minnesota Statutes, sections 148.9981 to 148.9995, but must hold a current and active national certification as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board. The chair of the Board of Psychology must convene the first meeting of the council by September 1, 2024, and must convene subsequent meetings of the council until an advisory chair is elected. The council must elect a chair from its members by the third meeting of the council.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

### ARTICLE 3

#### BOARD OF VETERINARY MEDICINE

Section 1. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 5a. **Direct supervision.** "Direct supervision" means:

(1) when a supervising veterinarian or licensed veterinary technician is in the immediate area and within audible or visual range of an animal and the unlicensed veterinary employee treating the animal;

(2) the supervising veterinarian has met the requirements of a veterinarian-client-patient relationship under section 156.16, subdivision 12; and

(3) the supervising veterinarian assumes responsibility for the professional care given to an animal by a person working under the veterinarian's direction.

Sec. 2. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 7a. **Licensed veterinary technician.** "Licensed veterinary technician" means a person licensed by the board under section 156.077.

Sec. 3. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 10b. **Remote supervision.** "Remote supervision" means:

(1) a veterinarian is not on the premises but is acquainted with the keeping and care of an animal by virtue of an examination of the animal or medically appropriate and timely visits to the premises where the animal is kept;

(2) the veterinarian has given written or oral instructions to a licensed veterinary technician for ongoing care of an animal and is available by telephone or other form of immediate communication; and

(3) the employee treating the animal timely enters into the animal's medical record documentation of the treatment provided, and the documentation is reviewed by the veterinarian.

Sec. 4. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to read:

Subd. 12. **Veterinary technology.** "Veterinary technology" means the science and practice of providing professional support to veterinarians, including the direct supervision of unlicensed veterinary employees. Veterinary technology does not include veterinary diagnosis, prognosis, surgery, or medication prescription.

Sec. 5. Minnesota Statutes 2022, section 156.07, is amended to read:

#### **156.07 LICENSE RENEWAL.**

Persons licensed under this chapter shall conspicuously display their license in their principal place of business.

Persons now ~~qualified to practice veterinary medicine~~ licensed in this state, or who shall hereafter be licensed by the Board of Veterinary Medicine ~~to engage in the practice~~ as veterinarians or veterinary technicians, shall periodically renew their license in a manner prescribed by the board. The board shall establish license renewal fees and continuing education requirements. The board may establish, by rule, an inactive license category, at a lower fee, for licensees not actively engaged in the practice of veterinary medicine or veterinary technology within the state of Minnesota. The board may assess a charge for delinquent payment of a renewal fee.

Any person who is licensed to practice veterinary medicine or veterinary technology in this state pursuant to this chapter, shall be entitled to receive a license to continue to practice upon making application to the board and complying with the terms of this section and rules of the board.

#### **Sec. 6. [156.0721] INSTITUTIONAL LICENSURE.**

Subdivision 1. **Application and eligibility.** (a) Any person who seeks to practice veterinary medicine while employed by the University of Minnesota and who is not eligible for a regular license shall make a written application to the board for an institutional license using forms provided for that purpose or in a format accepted by the board. The board shall issue an institutional license to practice veterinary medicine to an applicant who:

(1) has obtained the degree of doctor of veterinary medicine or its equivalent from a nonaccredited college of veterinary medicine. A graduate from an accredited college and an applicant who has earned ECFVG or PAVE certificates should apply for a regular license to practice veterinary medicine;

(2) has passed the Minnesota Veterinary Jurisprudence Examination;

(3) is a person of good moral character, as attested by five notarized reference letters from adults not related to the applicant, at least two of whom are licensed veterinarians in the jurisdiction where the applicant is currently practicing or familiar with the applicant's clinical abilities as evidenced in clinical rotations;

(4) has paid the license application fee;

(5) provides proof of employment by the University of Minnesota;

(6) certifies that the applicant understands and agrees that the institutional license is valid only for the practice of veterinary medicine associated with the applicant's employment as a faculty member, intern, resident, or locum of the University of Minnesota College of Veterinary Medicine or other unit of the University of Minnesota;

(7) provides proof of graduation from a veterinary college;

(8) completed a criminal background check as defined in section 214.075; and

(9) provides other information and proof as the board may require by rules and regulations.

(b) The University of Minnesota may submit the applications of its employees who seek an institutional license in a compiled format acceptable to the board, with any license application fees in a single form of payment.

(c) The fee for a license issued under this subdivision is the same as for a regular license to practice veterinary medicine in the state. License payment and renewal deadlines, late payment fees, and other license requirements are also the same as for a regular license to practice veterinary medicine.

(d) The University of Minnesota may be responsible for timely payment of renewal fees and submission of renewal forms.

Subd. 2. **Scope of practice.** (a) An institutional license holder may practice veterinary medicine only as related to the license holder's regular function at the University of Minnesota. A person holding only an institutional license in this state must be remunerated for the practice of veterinary medicine in the state solely from state, federal, or institutional funds and not from the patient-owner beneficiary of the license holder's practice efforts.

(b) A license issued under this section must be canceled by the board upon receipt of information from the University of Minnesota that the holder of the license has left or is otherwise no longer employed at the University of Minnesota in this state.

(c) An institutional license holder must abide by all laws governing the practice of veterinary medicine in the state and is subject to the same disciplinary action as any other veterinarian licensed in the state.

**Sec. 7. [156.076] DIRECT SUPERVISION; UNLICENSED VETERINARY EMPLOYEES.**

(a) An unlicensed veterinary employee may only administer medication or render auxiliary or supporting assistance under the direct supervision of a licensed veterinarian or licensed veterinary technician.

(b) This section does not prohibit:

(1) the performance of generalized nursing tasks ordered by the veterinarian and performed by an unlicensed employee on inpatient animals during the hours when a veterinarian is not on the premises; or

(2) under emergency conditions, an unlicensed employee from rendering lifesaving aid and treatment to an animal in the absence of a veterinarian if the animal is in a life-threatening condition and requires immediate treatment to sustain life or prevent further injury.

Sec. 8. **[156.077] LICENSED VETERINARY TECHNICIANS.**

Subdivision 1. **Licensure; practice.** (a) The board shall issue a license to practice as a veterinary technician to an applicant who satisfies the requirements in this section and those imposed by the board in rule. A licensed veterinary technician may practice veterinary technology. A person may not use the title "veterinary technician" or the abbreviation "LVT" unless licensed by the board.

(b) The board may adopt by rule additional or temporary alternative licensure requirements or definitions for veterinary technician titles.

Subd. 2. **Applicants; qualifications.** Application for a license to practice veterinary technology in this state shall be made to the board on a form furnished by the board and accompanied by evidence satisfactory to the board that the applicant is at least 18 years of age, is of good moral character, and has met the following requirements:

(1) graduated from a veterinary technology program accredited or approved by the American Veterinary Medical Association or Canadian Veterinary Medical Association;

(2) received a passing score for the Veterinary Technician National Examination;

(3) received a passing score for the Minnesota Veterinary Technician Jurisprudence Examination;  
and

(4) completed a criminal background check.

Subd. 3. **Required with application.** A completed application must contain the following information and material:

(1) the application fee set by the board, which is not refundable if permission to take the jurisprudence examination is denied for good cause;

(2) proof of graduation from a veterinary technology program accredited or approved by the American Veterinary Medical Association or Canadian Veterinary Medical Association;

(3) affidavits from at least two licensed veterinarians and three adults who are not related to the applicant that establish how long, when, and under what circumstances the references have known

the applicant and any other facts that may enable the board to determine the applicant's qualifications; and

(4) if the applicant has served in the armed forces, a copy of the applicant's discharge papers.

Subd. 4. **Temporary alternative qualifications.** (a) The board shall consider an application for licensure submitted by a person before July 1, 2031, if the person provides evidence satisfactory to the board that the person:

(1) is a certified veterinary technician in good standing with the Minnesota Veterinary Medical Association; or

(2) has at least 4,160 hours actively engaged in the practice of veterinary technology within the previous five years.

(b) Each applicant under this subdivision must also submit to the board affidavits from at least two licensed veterinarians and three adults who are not related to the applicant that establish how long, when, and under what circumstances the references have known the applicant and any other facts that may enable the board to determine the applicant's qualifications.

**Sec. 9. [156.078] NONRESIDENTS; LICENSED VETERINARY TECHNICIANS.**

A credentialed veterinary technician duly admitted to practice in any state, commonwealth, territory, or district of the United States or province of Canada that desires permission to practice veterinary technology in this state shall submit an application to the board on a form furnished by the board. The board shall review an application for transfer if the applicant submits:

(1) a copy of a diploma from an accredited or approved college of veterinary technology or certification from the dean, registrar, or secretary of an accredited or approved college of veterinary technology or a certificate of satisfactory completion of the PAVE program;

(2) if requesting waiver of examination, evidence of meeting licensure requirements in the state of the applicant's original licensure;

(3) affidavits of two licensed practicing doctors of veterinary medicine or veterinary technicians residing in the United States or Canadian licensing jurisdiction in which the applicant is or was most recently practicing, attesting that they are well acquainted with the applicant, that the applicant is a person of good moral character, and that the applicant has been actively engaged in practicing or teaching in such jurisdiction;

(4) a certificate from the agency that regulates the conduct of practice of veterinary technology in the jurisdiction in which the applicant is or was most recently practicing, stating that the applicant is in good standing and is not the subject of disciplinary action or pending disciplinary action;

(5) a certificate from all other jurisdictions in which the applicant holds a currently active license or held a license within the past ten years, stating that the applicant is and was in good standing and has not been subject to disciplinary action;

(6) in lieu of the certificates in clauses (4) and (5), certification from the Veterinary Information Verification Agency that the applicant's licensure is in good standing;

(7) a fee as set by the board in form of check or money order payable to the board, no part of which shall be refunded should the application be denied;

(8) score reports on previously taken national examinations in veterinary technology, certified by the Veterinary Information Verification Agency or evidence of employment as a veterinary technician for at least three years;

(9) proof that the applicant received a passing score for the Minnesota Veterinary Technician Jurisprudence Examination; and

(10) proof of a completed criminal background check.

Sec. 10. Minnesota Statutes 2022, section 156.12, subdivision 2, is amended to read:

Subd. 2. **Authorized activities.** No provision of this chapter shall be construed to prohibit:

(a) a person from rendering necessary gratuitous assistance in the treatment of any animal when the assistance does not amount to prescribing, testing for, or diagnosing, operating, or vaccinating and when the attendance of a licensed veterinarian cannot be procured;

(b) a person who is a regular student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors or preceptors or working under the direct supervision of a licensed veterinarian;

(c) a veterinarian regularly licensed in another jurisdiction from consulting with a licensed veterinarian in this state;

(d) the owner of an animal and the owner's regular employee from caring for and administering to the animal belonging to the owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter;

(e) veterinarians who are in compliance with ~~subdivision 6~~ section 156.0721 and who are employed by the University of Minnesota from performing their duties with the College of Veterinary Medicine, ~~College of Agriculture~~, Veterinary Diagnostic Laboratory, Agricultural Experiment Station, Agricultural Extension Service, Medical School, School of Public Health, School of Nursing; or other unit within the university; or a person from lecturing or giving instructions or demonstrations at the university or in connection with a continuing education course or seminar to veterinarians ~~or pathologists at the University of Minnesota Veterinary Diagnostic Laboratory~~;

(f) any person from selling or applying any pesticide, insecticide or herbicide;

(g) any person from engaging in bona fide scientific research or investigations which reasonably requires experimentation involving animals;

(h) any employee of a licensed veterinarian from performing duties other than diagnosis, prescription or surgical correction under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee;

(i) a graduate of a foreign college of veterinary medicine from working under the direct personal instruction, control, or supervision of a veterinarian faculty member of the College of Veterinary

Medicine, University of Minnesota in order to complete the requirements necessary to obtain an ECFVG or PAVE certificate;

(j) a licensed chiropractor registered under section 148.01, subdivision 1a, from practicing animal chiropractic; or

(k) a person certified by the Emergency Medical Services Regulatory Board under chapter 144E from providing emergency medical care to a police dog wounded in the line of duty.

Sec. 11. Minnesota Statutes 2022, section 156.12, subdivision 4, is amended to read:

Subd. 4. **Titles.** It is unlawful for a person who has not received a professional degree from an accredited or approved college of veterinary medicine, ~~or~~ ECFVG or PAVE certification, or an institutional license under section 156.0721 to use any of the following titles or designations: Veterinary, veterinarian, animal doctor, animal surgeon, animal dentist, animal chiropractor, animal acupuncturist, or any other title, designation, word, letter, abbreviation, sign, card, or device tending to indicate that the person is qualified to practice veterinary medicine.

Sec. 12. **REPEALER.**

Minnesota Statutes 2022, section 156.12, subdivision 6, is repealed.

Sec. 13. **EFFECTIVE DATE.**

(a) Sections 1 to 5 and sections 7 to 9 are effective July 1, 2026.

(b) Section 6 and sections 10 to 12 are effective July 1, 2025.

## ARTICLE 4

### BOARD OF DENTISTRY

Section 1. Minnesota Statutes 2022, section 150A.06, subdivision 1c, is amended to read:

Subd. 1c. **Specialty dentists.** (a) The board may grant one or more specialty licenses in the specialty areas of dentistry that are recognized by the Commission on Dental Accreditation.

(b) An applicant for a specialty license shall:

(1) have successfully completed a postdoctoral specialty program accredited by the Commission on Dental Accreditation, or have announced a limitation of practice before 1967;

(2) have been certified by a specialty board approved by the Minnesota Board of Dentistry, or provide evidence of having passed a clinical examination for licensure required for practice in any state or Canadian province, or in the case of oral and maxillofacial surgeons only, have a Minnesota medical license in good standing;

(3) have been in active practice or a postdoctoral specialty education program or United States government service at least 2,000 hours in the 36 months prior to applying for a specialty license;



(4) if requested by the board, be interviewed by a committee of the board, which may include the assistance of specialists in the evaluation process, and satisfactorily respond to questions designed to determine the applicant's knowledge of dental subjects and ability to practice;

(5) if requested by the board, present complete records on a sample of patients treated by the applicant. The sample must be drawn from patients treated by the applicant during the 36 months preceding the date of application. The number of records shall be established by the board. The records shall be reasonably representative of the treatment typically provided by the applicant for each specialty area;

(6) at board discretion, pass a board-approved English proficiency test if English is not the applicant's primary language;

(7) pass all components of the National Board Dental Examinations;

(8) pass the Minnesota Board of Dentistry jurisprudence examination;

(9) abide by professional ethical conduct requirements; and

(10) meet all other requirements prescribed by the Board of Dentistry.

(c) The application must include:

(1) a completed application furnished by the board;

(2) a nonrefundable fee; and

(3) a copy of the applicant's government-issued photo identification card.

(d) A specialty dentist holding one or more specialty licenses is limited to practicing in the dentist's designated specialty area or areas. The scope of practice must be defined by each national specialty board recognized by the Commission on Dental Accreditation.

~~(e) A specialty dentist holding a general dental license is limited to practicing in the dentist's designated specialty area or areas if the dentist has announced a limitation of practice. The scope of practice must be defined by each national specialty board recognized by the Commission on Dental Accreditation.~~

~~(f)~~(e) All specialty dentists who have fulfilled the specialty dentist requirements and who intend to limit their practice to a particular specialty area or areas may apply for one or more specialty licenses.

Sec. 2. Minnesota Statutes 2022, section 150A.06, subdivision 8, is amended to read:

Subd. 8. **Licensure by credentials; dental assistant.** (a) Any dental assistant may, upon application and payment of a fee established by the board, apply for licensure based on an evaluation of the applicant's education, experience, and performance record in lieu of completing a board-approved dental assisting program for expanded functions as defined in rule, and may be interviewed by the board to determine if the applicant:

(1) has graduated from an accredited dental assisting program accredited by the Commission on Dental Accreditation ~~and~~ or is currently certified by the Dental Assisting National Board;

(2) is not subject to any pending or final disciplinary action in another state or Canadian province, or if not currently certified or registered, previously had a certification or registration in another state or Canadian province in good standing that was not subject to any final or pending disciplinary action at the time of surrender;

(3) is of good moral character and abides by professional ethical conduct requirements;

(4) at board discretion, has passed a board-approved English proficiency test if English is not the applicant's primary language; and

(5) has met all expanded functions curriculum equivalency requirements of a Minnesota board-approved dental assisting program.

(b) The board, at its discretion, may waive specific licensure requirements in paragraph (a).

(c) An applicant who fulfills the conditions of this subdivision and demonstrates the minimum knowledge in dental subjects required for licensure under subdivision 2a must be licensed to practice the applicant's profession.

(d) If the applicant does not demonstrate the minimum knowledge in dental subjects required for licensure under subdivision 2a, the application must be denied. If licensure is denied, the board may notify the applicant of any specific remedy that the applicant could take which, when passed, would qualify the applicant for licensure. A denial does not prohibit the applicant from applying for licensure under subdivision 2a.

(e) A candidate whose application has been denied may appeal the decision to the board according to subdivision 4a.

## ARTICLE 5

### PHYSICIAN ASSISTANT PRACTICE

#### Section 1. **REPEALER.**

Minnesota Statutes 2022, section 147A.09, subdivision 5, is repealed.

## ARTICLE 6

### BOARD OF SOCIAL WORK

Section 1. Minnesota Statutes 2022, section 148D.061, subdivision 1, is amended to read:

Subdivision 1. **Requirements for a provisional license.** An applicant may be issued a provisional license if the applicant:

~~(1) was born in a foreign country;~~

~~(2) communicates in English as a second language;~~

~~(3) has taken the applicable examination administered by the Association of Social Work Boards or similar examination body designated by the board;~~

~~(4) (1) has met the requirements of section 148E.055, subdivision 2, paragraph (a), clauses (1), (3), (4), (5), and (6); or subdivision 3, paragraph (a), clauses (1), (3), (4), (5), and (6); or subdivision 4, paragraph (a), clauses (1), (2), (4), (5), (6), and (7); or subdivision 5, paragraph (a), clauses (1), (2), (3), (5), (6), (7), and (8); and~~

~~(5) (2) complies with the requirements of subdivisions 2 to 7.~~

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 2. Minnesota Statutes 2022, section 148D.061, subdivision 8, is amended to read:

Subd. 8. **Disciplinary or other action.** A licensee who is issued a provisional license is subject to the grounds for disciplinary action under section 148E.190. The board may also take action according to sections 148E.260 to 148E.270 if:

(1) the licensee's supervisor does not submit an evaluation as required by section 148D.063;

(2) an evaluation submitted according to section 148D.063 indicates that the licensee cannot practice social work competently and ethically; or

(3) the licensee does not comply with the requirements of subdivisions 1 to 7.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 3. Minnesota Statutes 2022, section 148D.062, subdivision 3, is amended to read:

Subd. 3. **Types of supervision.** (a) ~~Twenty-five hours~~ Half of the supervision hours required by subdivision 1 must consist of one-on-one ~~in-person~~ supervision. The supervision must be provided either in person or via eye-to-eye electronic media while maintaining visual contact.

(b) ~~Twelve and one-half hours~~ Half of the supervision hours must consist of one or more of the following types of supervision:

(1) ~~in-person~~ one-on-one supervision provided in person or via eye-to-eye electronic media while maintaining visual contact; or

(2) ~~in-person~~ group supervision provided in person, by telephone, or via eye-to-eye electronic media while maintaining visual contact.

(c) ~~To qualify as in-person~~ Group supervision, ~~the group~~ must not exceed ~~seven members including the supervisor~~ six supervisees.

(d) Supervision must not be provided by email.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 4. Minnesota Statutes 2022, section 148D.062, subdivision 4, is amended to read:

Subd. 4. **Supervisor requirements.** (a) The supervision required by subdivision 1 must be provided by a supervisor who meets the requirements in section 148E.120 and has ~~either:~~

~~(1) 5,000 hours experience engaged in authorized social work practice; or~~

~~(2) completed 30 hours of training in supervision, which may be satisfied by completing academic coursework in supervision or continuing education courses in supervision as defined in section 148E.010, subdivision 18.~~

(b) Supervision must be provided:

(1) if the supervisee is not engaged in clinical practice and the supervisee has a provisional license to practice as a licensed social worker, by:

(i) a licensed social worker who has completed the supervised practice requirements;

(ii) a licensed graduate social worker who has completed the supervised practice requirements;

(iii) a licensed independent social worker; or

(iv) a licensed independent clinical social worker;

(2) if the supervisee is not engaged in clinical practice and the supervisee has a provisional license to practice as a licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker, by:

(i) a licensed graduate social worker who has completed the supervised practice requirements;

(ii) a licensed independent social worker; or

(iii) a licensed independent clinical social worker;

(3) if the supervisee is engaged in clinical practice and the supervisee has a provisional license to practice as a licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker, by a licensed independent clinical social worker; or

(4) by a supervisor who meets the requirements in section 148E.120, subdivision 2.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 5. Minnesota Statutes 2022, section 148D.063, subdivision 1, is amended to read:

Subdivision 1. **Supervision plan.** (a) An applicant granted a provisional license must submit, on a form provided by the board, a supervision plan for meeting the supervision requirements in section 148D.062.

(b) The supervision plan must be submitted no later than 30 days after the licensee begins a social work practice position.

~~(e) The board may revoke a licensee's provisional license for failure to submit the supervision plan within 30 days after beginning a social work practice position.~~

~~(d)~~ (c) The supervision plan must include the following:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the person providing the supervision;

(3) the number of hours of one-on-one ~~in-person~~ supervision and the number and type of additional hours of supervision to be completed by the supervisee;

(4) the supervisee's position description;

(5) a brief description of the supervision the supervisee will receive in the following content areas:

(i) clinical practice, if applicable;

(ii) development of professional social work knowledge, skills, and values;

(iii) practice methods;

(iv) authorized scope of practice;

(v) ensuring continuing competence; and

(vi) ethical standards of practice; and

(6) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.

~~(e)~~ (d) The board must receive a revised supervision plan within 30 days of any of the following changes:

(1) the supervisee has a new supervisor;

(2) the supervisee begins a new social work position;

(3) the scope or content of the supervisee's social work practice changes substantially;

(4) the number of practice or supervision hours changes substantially; or

(5) the type of supervision changes as supervision is described in section 148D.062.

~~(f) The board may revoke a licensee's provisional license for failure to submit a revised supervision plan as required in paragraph (e).~~

~~(g)~~ (e) The board must approve the supervisor and the supervision plan.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 6. Minnesota Statutes 2022, section 148D.063, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) When a licensee's supervisor submits an evaluation to the board according to section 148D.061, subdivision 6, the supervisee and supervisor must provide the following information on a form provided by the board:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the supervisor;

(3) the number of hours and dates of each type of supervision completed;

(4) the supervisee's position description;

(5) a declaration that the supervisee has not engaged in conduct in violation of the standards of practice in sections 148E.195 to 148E.240;

(6) a declaration that the supervisee has practiced competently and ethically according to professional social work knowledge, skills, and values; and

(7) on a form provided by the board, an evaluation of the licensee's practice in the following areas:

(i) development of professional social work knowledge, skills, and values;

(ii) practice methods;

(iii) authorized scope of practice;

~~(iv) ensuring continuing competence;~~

~~(v)~~ (iv) ethical standards of practice; and

~~(vi)~~ (v) clinical practice, if applicable.

(b) The supervisor must attest to the satisfaction of the board that the supervisee has met or has made progress on meeting the applicable supervised practice requirements.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 7. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision to read:

Subd. 2b. **Qualifications for licensure by completion of provisional license requirements as a licensed social worker (LSW).** To be licensed as a licensed social worker, an applicant for licensure by completion of provisional license requirements must provide evidence satisfactory to the board that the applicant:

- (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and
- (2) continues to meet the requirements of subdivision 2, clauses (1) and (3) to (6).

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 8. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision to read:

Subd. 3b. **Qualifications for licensure by completion of provisional license requirements as a licensed graduate social worker (LGSW).** To be licensed as a licensed graduate social worker, an applicant for licensure by completion of provisional license requirements must provide evidence satisfactory to the board that the applicant:

- (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and
- (2) continues to meet the requirements of subdivision 3, clauses (1) and (3) to (6).

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 9. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision to read:

Subd. 4b. **Qualifications for licensure by completion of provisional license requirements as a licensed independent social worker (LISW).** To be licensed as a licensed independent social worker, an applicant for licensure by completion of provisional license requirements must provide evidence satisfactory to the board that the applicant:

- (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and
- (2) continues to meet the requirements of subdivision 4, clauses (1), (2), and (4) to (7).

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 10. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision to read:

Subd. 5b. **Qualifications for licensure by completion of provisional license requirements as a licensed independent clinical social worker (LICSW).** To be licensed as a licensed independent clinical social worker, an applicant for licensure by completion of provisional license requirements must provide evidence satisfactory to the board that the applicant:

- (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and
- (2) continues to meet the requirements of subdivision 5, paragraph (a), clauses (1) to (3) and (5) to (8).

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 11. **REVISOR INSTRUCTION.**

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>148D.061</u>	<u>148E.0551</u>
<u>148D.062</u>	<u>148E.116</u>
<u>148D.063</u>	<u>148E.126</u>

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 12. **REPEALER.**

Minnesota Statutes 2022, section 148D.061, subdivision 9, is repealed.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

**ARTICLE 7****BOARD OF MARRIAGE AND FAMILY THERAPY**Section 1. **[148B.331] GUEST LICENSURE.**

Subdivision 1. **Generally.** (a) A nonresident of the state of Minnesota who is not seeking licensure in Minnesota and intends to practice marriage and family therapy in Minnesota must apply to the board for guest licensure. An applicant must apply for guest licensure at least 30 days prior to the expected date of practice in Minnesota and is subject to approval by the board or its designee.

(b) To be eligible for licensure under this section, the applicant must:

(1) have a license, certification, or registration in good standing to practice marriage and family therapy from another jurisdiction;

(2) have a graduate degree in marriage and family therapy from a regionally accredited institution or a degree in a related field from a regionally accredited institution with completed coursework meeting the educational requirements provided in Minnesota Rules, part 5300.0140, subpart 2;

(3) be of good moral character;

(4) have no pending complaints or active disciplinary or corrective actions in any jurisdiction;

(5) submit the required fee and complete the criminal background check according to section 214.075; and

(6) pay a fee to the board in the amount set forth in section 148B.392.

(c) A license issued under this section is valid for one year from the date of issuance and allows practice by the nonresident for a maximum of five months. The months in which the nonresident



may practice under the license must be consecutive. A guest license is not renewable, but the nonresident may reapply for guest licensure, subject to continued eligibility under paragraph (b), following expiration of a guest license.

Subd. 2. **Other professional activity.** Notwithstanding subdivision 1, a nonresident of the state of Minnesota who is not seeking licensure in Minnesota may serve as an expert witness, organizational consultant, presenter, or educator without obtaining guest licensure, provided the nonresident is appropriately trained, educated, or has been issued a license, certificate, or registration by another jurisdiction.

Subd. 3. **Prohibitions and sanctions.** A person's privilege to practice under this section is subject to the prohibitions and sanctions for unprofessional or unethical conduct contained in Minnesota laws and rules for marriage and family therapy under this chapter.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

Sec. 2. Minnesota Statutes 2023 Supplement, section 148B.392, subdivision 2, is amended to read:

Subd. 2. **Licensure and application fees.** Licensure and application fees established by the board shall not exceed the following amounts:

- (1) application fee for national examination is \$150;
- (2) application fee for Licensed Marriage and Family Therapist (LMFT) ~~state examination~~ license is \$150;
- (3) initial LMFT license fee is prorated, but cannot exceed \$225;
- (4) annual renewal fee for LMFT license is \$225;
- (5) late fee for LMFT license renewal is \$100;
- (6) application fee for LMFT licensure by reciprocity is \$300;
- (7) application fee for ~~initial~~ Licensed Associate Marriage and Family Therapist (LAMFT) license is \$100;
- (8) annual renewal fee for LAMFT license is \$100;
- (9) late fee for LAMFT license renewal is \$50;
- (10) fee for reinstatement of LMFT or LAMFT license is \$150;
- (11) fee for LMFT emeritus license status is \$225; ~~and~~
- (12) fee for temporary license for members of the military is \$100; and
- (13) fee for LMFT guest license is \$150.

**EFFECTIVE DATE.** This section is effective October 1, 2024.

**ARTICLE 8****BOARD OF PHARMACY**

Section 1. Minnesota Statutes 2022, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, licensed advanced practice registered nurse, licensed certified midwife, or licensed physician assistant. For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A. For purposes of sections 151.252, subdivision 3, and 151.461, "practitioner" also means a pharmacist authorized to prescribe self-administered hormonal contraceptives, nicotine replacement medications, or opiate antagonists under section 151.37, subdivision 14, 15, or 16, or authorized to prescribe drugs to prevent the acquisition of human immunodeficiency virus (HIV) under section 151.37, subdivision 17.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

- (1) interpretation and evaluation of prescription drug orders;
- (2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs, including the performance of laboratory tests that are waived under the federal Clinical Laboratory Improvement Act of 1988, United States Code, title 42, section 263a et seq., provided that a pharmacist may interpret the results of laboratory tests but may modify drug therapy only pursuant to a protocol or collaborative practice agreement;
- (4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; intramuscular and subcutaneous drug administration under a prescription drug order; drug regimen reviews; and drug or drug-related research;
- (5) drug administration, through intramuscular and subcutaneous administration used to treat mental illnesses as permitted under the following conditions:
  - (i) upon the order of a prescriber and the prescriber is notified after administration is complete; or
  - (ii) pursuant to a protocol or collaborative practice agreement as defined by section 151.01, subdivisions 27b and 27c, and participation in the initiation, management, modification, administration, and discontinuation of drug therapy is according to the protocol or collaborative practice agreement between the pharmacist and a dentist, optometrist, physician, physician assistant, podiatrist, or veterinarian, or an advanced practice registered nurse authorized to prescribe, dispense,

and administer under section 148.235. Any changes in drug therapy or medication administration made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;

(6) participation in administration of influenza vaccines and vaccines approved by the United States Food and Drug Administration related to COVID-19 or SARS-CoV-2 to all eligible individuals six years of age and older and all other vaccines to patients 13 years of age and older by written protocol with a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235, provided that:

(i) the protocol includes, at a minimum:

(A) the name, dose, and route of each vaccine that may be given;

(B) the patient population for whom the vaccine may be given;

(C) contraindications and precautions to the vaccine;

(D) the procedure for handling an adverse reaction;

(E) the name, signature, and address of the physician, physician assistant, or advanced practice registered nurse;

(F) a telephone number at which the physician, physician assistant, or advanced practice registered nurse can be contacted; and

(G) the date and time period for which the protocol is valid;

(ii) the pharmacist has successfully completed a program approved by the Accreditation Council for Pharmacy Education specifically for the administration of immunizations or a program approved by the board;

(iii) the pharmacist utilizes the Minnesota Immunization Information Connection to assess the immunization status of individuals prior to the administration of vaccines, except when administering influenza vaccines to individuals age nine and older;

(iv) the pharmacist reports the administration of the immunization to the Minnesota Immunization Information Connection; and

(v) the pharmacist complies with guidelines for vaccines and immunizations established by the federal Advisory Committee on Immunization Practices, except that a pharmacist does not need to comply with those portions of the guidelines that establish immunization schedules when administering a vaccine pursuant to a valid, patient-specific order issued by a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235, provided that the order is consistent with the United States Food and Drug Administration approved labeling of the vaccine;

(7) participation in the initiation, management, modification, and discontinuation of drug therapy according to a written protocol or collaborative practice agreement between: (i) one or more pharmacists and one or more dentists, optometrists, physicians, physician assistants, podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more physician assistants authorized to prescribe, dispense, and administer under chapter 147A, or advanced practice registered nurses authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;

(8) participation in the storage of drugs and the maintenance of records;

(9) patient counseling on therapeutic values, content, hazards, and uses of drugs and devices;

(10) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy;

(11) participation in the initiation, management, modification, and discontinuation of therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

(i) a written protocol as allowed under clause (7); or

(ii) a written protocol with a community health board medical consultant or a practitioner designated by the commissioner of health, as allowed under section 151.37, subdivision 13;

(12) prescribing self-administered hormonal contraceptives; nicotine replacement medications; and opiate antagonists for the treatment of an acute opiate overdose pursuant to section 151.37, subdivision 14, 15, or 16; ~~and~~

(13) participation in the placement of drug monitoring devices according to a prescription, protocol, or collaborative practice agreement;

(14) prescribing, dispensing, and administering drugs for preventing the acquisition of HIV if the pharmacist meets the requirements in section 151.37, subdivision 17; and

(15) ordering, conducting, and interpreting laboratory tests necessary for therapies that use drugs for preventing the acquisition of HIV, if the pharmacist meets the requirements in section 151.37, subdivision 17.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 3. Minnesota Statutes 2022, section 151.37, is amended by adding a subdivision to read:

**Subd. 17. Drugs for preventing the acquisition of HIV.** (a) A pharmacist is authorized to prescribe and administer drugs to prevent the acquisition of human immunodeficiency virus (HIV) in accordance with this subdivision.

(b) By January 1, 2025, the Board of Pharmacy shall develop a standardized protocol for a pharmacist to follow in prescribing the drugs described in paragraph (a). In developing the protocol, the board may consult with community health advocacy groups, the Board of Medical Practice, the

Board of Nursing, the commissioner of health, professional pharmacy associations, and professional associations for physicians, physician assistants, and advanced practice registered nurses.

(c) Before a pharmacist is authorized to prescribe a drug described in paragraph (a), the pharmacist must successfully complete a training program specifically developed for prescribing drugs for preventing the acquisition of HIV that is offered by a college of pharmacy, a continuing education provider that is accredited by the Accreditation Council for Pharmacy Education, or a program approved by the board. To maintain authorization to prescribe, the pharmacist shall complete continuing education requirements as specified by the board.

(d) Before prescribing a drug described in paragraph (a), the pharmacist shall follow the appropriate standardized protocol developed under paragraph (b) and, if appropriate, may dispense to a patient a drug described in paragraph (a).

(e) Before dispensing a drug described in paragraph (a) that is prescribed by the pharmacist, the pharmacist must provide counseling to the patient on the use of the drugs and must provide the patient with a fact sheet that includes the indications and contraindications for the use of these drugs, the appropriate method for using these drugs, the need for medical follow-up, and any additional information listed in Minnesota Rules, part 6800.0910, subpart 2, that is required to be provided to a patient during the counseling process.

(f) A pharmacist is prohibited from delegating the prescribing authority provided under this subdivision to any other person. A pharmacist intern registered under section 151.101 may prepare the prescription, but before the prescription is processed or dispensed, a pharmacist authorized to prescribe under this subdivision must review, approve, and sign the prescription.

(g) Nothing in this subdivision prohibits a pharmacist from participating in the initiation, management, modification, and discontinuation of drug therapy according to a protocol as authorized in this section and in section 151.01, subdivision 27.

**EFFECTIVE DATE.** This section is effective January 1, 2025, except that paragraph (b) is effective the day following final enactment.

## ARTICLE 9

### BOARD OF OPTOMETRY

Section 1. Minnesota Statutes 2022, section 148.56, subdivision 1, is amended to read:

Subdivision 1. **Optometry defined.** (a) Any person shall be deemed to be practicing optometry within the meaning of sections 148.52 to 148.62 who shall in any way:

- (1) advertise as an optometrist;
- (2) employ any means, including the use of autorefractors or other automated testing devices, for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof;
- (3) possess testing appliances for the purpose of the measurement of the powers of vision;

(4) diagnose any disease, optical deficiency or deformity, or visual or muscular anomaly of the visual system consisting of the human eye and its accessory or subordinate anatomical parts;

(5) prescribe lenses, including plano or cosmetic contact lenses, or prisms for the correction or the relief of same;

(6) employ or prescribe ocular exercises, orthoptics, or habilitative and rehabilitative therapeutic vision care; or

(7) prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation, prevention, treatment, or management of disease, deficiency, deformity, or abnormality of the human eye and adnexa included in the curricula of accredited schools or colleges of optometry, and as limited by Minnesota statute and adopted rules by the Board of Optometry, or who holds oneself out as being able to do so.

(b) In the course of treatment, nothing in this section shall allow:

(1) legend drugs to be administered intravenously, intramuscularly, or by injection, except for treatment of anaphylaxis;

(2) invasive surgery including, but not limited to, surgery using lasers;

(3) Schedule II and III oral legend drugs ~~and oral steroids~~ to be administered or prescribed; or

(4) oral ~~antivirals to be prescribed or administered for more than ten days; or steroids to be prescribed or administered for more than 14 days without consultation with a physician.~~

~~(5) oral carbonic anhydrase inhibitors to be prescribed or administered for more than seven days.~~

## ARTICLE 10

### BOARD OF MEDICAL PRACTICE

Section 1. Minnesota Statutes 2023 Supplement, section 144.99, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.1201 to 144.1204; 144.121; 144.1215; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9512; 144.97 to 144.98; 144.992; 147.037, subdivision 1b, paragraph (c); 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 147.037, is amended by adding a subdivision to read:

Subd. 1b. **Limited license.** (a) The board must issue a limited license to any person who satisfies the requirements of subdivision 1, paragraphs (a) to (c) and (e) to (g), and who:

(1) pursuant to a license or other authorization to practice, has practiced medicine, as defined in section 147.081, subdivision 3, clauses (2) to (4), for at least 60 months in the previous ten years outside of the United States;

(2) submits sufficient evidence of an offer to practice within the context of a collaborative agreement within a hospital or clinical setting where the limited license holder and physicians work together to provide patient care;

(3) provides services in a designated rural area or underserved urban community as defined in section 144.1501; and

(4) submits two letters of recommendation in support of a limited license, which must include one letter from a physician with whom the applicant previously worked and one letter from an administrator of the hospital or clinical setting in which the applicant previously worked. The letters of recommendation must attest to the applicant's good medical standing.

(b) A person issued a limited license under this subdivision must not be required to present evidence satisfactory to the board of the completion of one year of graduate clinical medical training in a program accredited by a national accrediting organization approved by the board.

(c) An employer of a limited license holder must pay the limited license holder at least an amount equivalent to a medical resident in a comparable field. The employer must carry medical malpractice insurance covering a limited license holder for the duration of the employment. The commissioner of health may issue a correction order under section 144.99, subdivision 3, requiring an employer to comply with this paragraph. An employer must not retaliate against or discipline an employee for raising a complaint or pursuing enforcement relating to this paragraph.

(d) The board must issue a full and unrestricted license to practice medicine to a person who holds a limited license issued pursuant to paragraph (a) and who has:

(1) held the limited license for two years and is in good standing to practice medicine in this state;

(2) practiced for a minimum of 1,692 hours per year for each of the previous two years; and

(3) submitted a letter of recommendation in support of a full and unrestricted license from any physician who participated in the collaborative agreement.

(e) A limited license holder must submit to the board, every six months or upon request, a statement certifying whether the person is still employed as a physician in this state and whether the person has been subjected to professional discipline as a result of the person's practice. The board may suspend or revoke a limited license if a majority of the board determines that the licensee is no longer employed as a physician in this state by an employer. The licensee must be granted an opportunity to be heard prior to the board's determination. A licensee may change employers during the duration of the limited license if the licensee has another offer of employment. In the event that

a change of employment occurs, the licensee must still work the number of hours required under paragraph (d), clause (2), to be eligible for a full and unrestricted license to practice medicine.

(f) For purposes of this subdivision, "collaborative agreement" means a mutually agreed upon plan for the overall working relationship and collaborative arrangement between a holder of a limited license and one or more physicians licensed under this chapter that designates the scope of services that can be provided to manage the care of patients. The limited license holder and one of the collaborating physicians must have experience in providing care to patients with the same or similar medical conditions. The collaborating physician is not required to be physically present, but the limited license holder must have one-on-one practice reviews provided in person or through eye-to-eye electronic media while maintaining visual contact with each collaborating physician for at least two hours per month, and the collaborating physician and limited license holder can easily contact each other by radio, telephone, or other telecommunication device.

(g) The board must not grant a license under this section unless the applicant possesses federal immigration status that allows the applicant to practice as a physician in the United States.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 3. Minnesota Statutes 2022, section 147B.01, is amended by adding a subdivision to read:

Subd. 2a. **Acupuncture.** "Acupuncture" means a unique treatment technique that uses modern and traditional medical methods of diagnosis and treatment. It includes the insertion of filiform or acupuncture needles through the skin and may include the use of other biophysical methods of acupuncture point stimulation, including the use of heat, massage, or manual therapy techniques or electrical stimulation. Acupuncture includes but is not limited to therapies termed "dry needling," "trigger point therapy," "intramuscular therapy," "auricular detox treatment," and similar terms referring to the insertion of needles past the skin for pain management, disease or symptom modification, or other related treatments.

Sec. 4. Minnesota Statutes 2022, section 147B.01, subdivision 3, is amended to read:

Subd. 3. **Acupuncture and herbal medicine practice.** "Acupuncture and herbal medicine practice" means a comprehensive system of primary health care using Oriental medical theory and its unique methods of diagnosis and treatment. Its treatment techniques include the insertion of acupuncture needles through the skin and the use of other biophysical methods of acupuncture point stimulation, including the use of heat, Oriental massage techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines, breathing techniques, and exercise based on Oriental medical principles that uses traditional and modern diagnosis, methodology, and treatment techniques based on acupuncture and herbal medicine theory, principles, and methods. Treatment techniques include but are not limited to acupuncture, cupping, dermal friction, therapeutic massage, herbal therapies, dietary guidelines, mind-body exercises, and other appropriate techniques.

Sec. 5. Minnesota Statutes 2022, section 147B.01, subdivision 4, is amended to read:

Subd. 4. **Acupuncture needle.** "Acupuncture needle" means a needle designed exclusively for acupuncture the purposes of insertion past the skin to alleviate pain, provide symptom relief, or modulate disease processes. It has a solid core, with a tapered point, and is 0.12 mm to 0.45 mm in thickness. It is constructed of stainless steel, gold, silver, or other board-approved materials as long



as the materials can be sterilized according to recommendations of the National Centers for Disease Control and Prevention.

Sec. 6. Minnesota Statutes 2022, section 147B.01, subdivision 9, is amended to read:

Subd. 9. **Breathing techniques.** "Breathing techniques" means ~~Oriental~~ breathing exercises taught to a patient as part of a treatment plan.

Sec. 7. Minnesota Statutes 2022, section 147B.01, subdivision 14, is amended to read:

Subd. 14. **Herbal therapies or herbal medicine.** "Herbal therapies" ~~are~~ or "herbal medicine" means the use of herbs and patent herbal remedies as supplements as part of the treatment plan of the patient.

Sec. 8. Minnesota Statutes 2022, section 147B.03, subdivision 2, is amended to read:

Subd. 2. **Board approval.** The board shall approve a continuing education program if the program meets the following requirements:

(1) it directly relates to the practice of acupuncture;

(2) each member of the faculty shows expertise in the subject matter by holding a degree or certificate from an educational institution, has verifiable experience in ~~traditional Oriental~~ acupuncture and herbal medicine, or has special training in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific written objectives describing the goals of the program for the participants;  
and

(5) the program sponsor maintains attendance records for four years.

Sec. 9. Minnesota Statutes 2022, section 147B.03, subdivision 3, is amended to read:

Subd. 3. **Continuing education topics.** (a) Continuing education program topics may include, but are not limited to, ~~Oriental medical~~ acupuncture and herbal medicine theory and techniques including ~~Oriental~~ massage; ~~Oriental~~ nutrition; ~~Oriental~~ herbology and diet therapy; ~~Oriental~~ exercise; ~~western sciences such as~~ anatomy, physiology, biochemistry, microbiology, psychology, ~~nutrition,~~ and history of medicine; and medical terminology or coding.

(b) Practice management courses are excluded under this section.

Sec. 10. Minnesota Statutes 2022, section 147B.05, subdivision 1, is amended to read:

Subdivision 1. **Creation.** The advisory council to the Board of Medical Practice for acupuncture consists of seven members appointed by the board to three-year terms. Four members must be ~~licensed~~ licensed acupuncture practitioners licensed in Minnesota, one member must be a licensed physician or osteopathic physician who also practices acupuncture, one member must be a licensed chiropractor who is NCCAOM certified, and one member must be a member of the public who has received acupuncture treatment as a primary therapy from a NCCAOM certified acupuncturist.

Sec. 11. Minnesota Statutes 2022, section 147B.06, subdivision 1, is amended to read:

Subdivision 1. **Practice standards.** (a) Before treatment of a patient, an acupuncture practitioner shall ask whether the patient has been examined by a licensed physician or other professional, as defined by section 145.61, subdivision 2, with regard to the patient's illness or injury, and shall review the diagnosis as reported.

(b) The practitioner shall obtain informed consent from the patient, after advising the patient of the following information which must be supplied to the patient ~~in writing~~ before or at the time of the initial visit:

(1) the practitioner's qualifications including:

(i) education;

(ii) license information; and

(iii) outline of the scope of practice of acupuncturists in Minnesota; and

(2) side effects which may include the following:

(i) some pain in the treatment area;

(ii) minor bruising;

(iii) infection;

(iv) needle sickness; or

(v) broken needles.

~~(e) The practitioner shall obtain acknowledgment by the patient in writing that the patient has been advised to consult with the patient's primary care physician about the acupuncture treatment if the patient circumstances warrant or the patient chooses to do so.~~

~~(d)~~ (c) The practitioner shall inquire whether the patient has a pacemaker or bleeding disorder.

Sec. 12. Minnesota Statutes 2022, section 147B.06, subdivision 4, is amended to read:

Subd. 4. **Scope of practice.** The scope of practice of acupuncture and herbal medicine includes, but is not limited to, the following:

(1) ~~using Oriental medical theory to assess and diagnose a patient~~ evaluation, management, and treatment services using methods and techniques described in section 147B.01, subdivisions 2a, 3, and 14;

(2) ~~using Oriental medical theory to develop a plan to treat a patient. The treatment techniques that may be chosen include:~~ diagnostic examination, testing, and procedures including physical examination, basic diagnostic imaging, and basic laboratory or other diagnostic tests for the purposes of guiding treatment within the scope of practice of acupuncture, herbal medicine, and herbal therapies, as described in section 147B.01, subdivisions 2a, 3, and 14, provided that when results

fall outside of the education, training, and expertise of the licensed acupuncturists, or suggest serious or emergent conditions, the acupuncturist will facilitate referrals to other appropriate health care providers;

~~(i) insertion of sterile acupuncture needles through the skin;~~

~~(ii) acupuncture stimulation including, but not limited to, electrical stimulation or the application of heat;~~

~~(iii) cupping;~~

~~(iv) dermal friction;~~

~~(v) acupressure;~~

~~(vi) herbal therapies;~~

~~(vii) dietary counseling based on traditional Chinese medical principles;~~

~~(viii) breathing techniques;~~

~~(ix) exercise according to Oriental medical principles; or~~

~~(x) Oriental massage.~~

(3) services included in the practice of acupuncture and herbal medicine, as defined in section 147B.01, subdivision 3;

(4) stimulation of acupuncture points, areas of the body, or substances in the body using acupuncture needles, heat, cold, color, light, infrared and ultraviolet, low-level or cold lasers, sound, vibration, pressure, magnetism, electricity, electromagnetic energy, bleeding, suction, or other devices or means;

(5) use of physical medicine modalities, procedures, and devices such as cupping, dermal friction, acupressure, and massage, as described in section 147B.01, subdivisions 2a, 3, and 14;

(6) use of therapeutic exercises, breathing techniques, meditation, and biofeedback devices and other devices that utilize heat, cold, color, light, infrared and ultraviolet, low-level or cold lasers, sound, vibration, pressure, magnetism, electricity, and electromagnetic energy for therapeutic purposes;

(7) dietary counseling using methods and techniques of acupuncture and herbal medicine; and

(8) counseling and education regarding physical, emotional, and spiritual balance in lifestyle using methods and techniques described in section 147B.01, subdivision 3.

Sec. 13. Minnesota Statutes 2022, section 147B.06, subdivision 5, is amended to read:

Subd. 5. **Patient records.** An acupuncturist shall maintain a patient record for each patient treated, including:

- (1) a copy of the informed consent;
- (2) evidence of a patient interview concerning the patient's medical history and current physical condition;
- (3) evidence of a ~~traditional acupuncture~~ examination and diagnosis;
- (4) record of the treatment including points treated; and
- (5) evidence of evaluation and instructions given to the patient.

Sec. 14. **REPEALER.**

Minnesota Statutes 2022, section 147B.01, subdivision 18, is repealed.

**ARTICLE 11**

**BOARD OF NURSING**

Section 1. Minnesota Statutes 2022, section 147D.03, subdivision 1, is amended to read:

Subdivision 1. **General.** Within the meaning of sections 147D.01 to 147D.27, a person who shall publicly profess to be a traditional midwife and who, for a fee, shall assist or attend to a woman in pregnancy, childbirth outside a hospital, and postpartum, shall be regarded as practicing traditional midwifery. A certified midwife licensed by the Board of Nursing under chapter 148G is not subject to the provisions of this chapter.

Sec. 2. Minnesota Statutes 2022, section 148.241, is amended to read:

**148.241 EXPENSES.**

Subdivision 1. **Appropriation.** The expenses of administering sections 148.171 to 148.285 and chapter 148G shall be paid from the appropriation made to the Minnesota Board of Nursing.

Subd. 2. **Expenditure.** All amounts appropriated to the board shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the purposes of sections 148.171 to 148.285 and chapter 148G, and the duties imposed thereby as well as the promotion of nursing or certified midwifery education and standards of nursing or certified midwifery care in this state.

Sec. 3. **[148G.01] TITLE.**

This chapter shall be referred to as the Minnesota Certified Midwife Practice Act.

Sec. 4. **[148G.02] SCOPE.**

This chapter applies to all applicants and licensees, all persons who use the title certified midwife, and all persons in or out of this state who provide certified midwifery services to patients who reside in this state, unless there are specific applicable exemptions provided by law.

Sec. 5. **[148G.03] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of this chapter, the definitions in this section have the meanings given.

Subd. 2. **Board.** "Board" means the Minnesota Board of Nursing.

Subd. 3. **Certification.** "Certification" means the formal recognition by the American Midwifery Certification Board of the knowledge, skills, and experience demonstrated by the achievement of standards identified by the American College of Nurse Midwives or any successor organization.

Subd. 4. **Certified midwife.** "Certified midwife" means an individual who holds a current and valid national certification as a certified midwife from the American Midwifery Certification Board or any successor organization, and who is licensed by the board under this chapter.

Subd. 5. **Certified midwifery practice.** "Certified midwifery practice" means:

(1) managing, diagnosing, and treating women's primary health care, including pregnancy, childbirth, postpartum period, care of the newborn, family planning, partner care management relating to sexual health, and gynecological care of women across the life span;

(2) ordering, performing, supervising, and interpreting diagnostic studies within the scope of certified midwifery practice, excluding interpreting computed tomography scans, magnetic resonance imaging scans, positron emission tomography scans, nuclear scans, and mammography;

(3) prescribing pharmacologic and nonpharmacologic therapies appropriate to midwifery practice;

(4) consulting with, collaborating with, or referring to other health care providers as warranted by the needs of the patient; and

(5) performing the role of educator in the theory and practice of midwifery.

Subd. 6. **Collaborating.** "Collaborating" means the process in which two or more health care professionals work together to meet the health care needs of a patient, as warranted by the needs of the patient.

Subd. 7. **Consulting.** "Consulting" means the process in which a certified midwife who maintains primary management responsibility for a patient's care seeks advice or opinion of a physician, an advanced practice registered nurse, or another member of the health care team.

Subd. 8. **Encumbered.** "Encumbered" means: (1) a license or other credential that is revoked, suspended, or contains limitations on the full and unrestricted practice of certified midwifery when the revocation, suspension, or limitation is imposed by a state licensing board or other state regulatory entity; or (2) a license or other credential that is voluntarily surrendered.

Subd. 9. **Licensure period.** "Licensure period" means the interval of time during which the certified midwife is authorized to engage in certified midwifery. The initial licensure period is from six to 29 full calendar months starting on the day of licensure and ending on the last day of the certified midwife's month of birth in an even-numbered year if the year of birth is an even-numbered year, or in an odd-numbered year if the year of birth is in an odd-numbered year. Subsequent licensure

renewal periods are 24 months. For licensure renewal, the period starts on the first day of the month following expiration of the previous licensure period. The period ends the last day of the certified midwife's month of birth in an even- or odd-numbered year according to the certified midwife's year of birth.

Subd. 10. **Licensed practitioner.** "Licensed practitioner" means a physician licensed under chapter 147, an advanced practice registered nurse licensed under sections 148.171 to 148.235, or a certified midwife licensed under this chapter.

Subd. 11. **Midwifery education program.** "Midwifery education program" means a university or college that provides a program of theory and practice that leads to the preparation and eligibility for certification in midwifery and is accredited by the Accreditation Commission for Midwifery Education or any successor organization recognized by the United States Department of Education or the Council for Higher Education Accreditation.

Subd. 12. **Patient.** "Patient" means a recipient of care provided by a certified midwife, including an individual, family, group, or community.

Subd. 13. **Prescribing.** "Prescribing" means the act of generating a prescription for the preparation of, use of, or manner of using a drug or therapeutic device under section 148G.09. Prescribing does not include recommending the use of a drug or therapeutic device that is not required by the federal Food and Drug Administration to meet the labeling requirements for prescription drugs and devices.

Subd. 14. **Prescription.** "Prescription" means a written direction or an oral direction reduced to writing provided to or for a patient for the preparation or use of a drug or therapeutic device. The requirements of section 151.01, subdivisions 16, 16a, and 16b, apply to prescriptions for drugs.

Subd. 15. **Referral.** "Referral" means the process in which a certified midwife directs a patient to a physician or another health care professional for management of a particular problem or aspect of the patient's care.

Subd. 16. **Supervision.** "Supervision" means monitoring and establishing the initial direction, setting expectations, directing activities and courses of action, evaluating, and changing a course of action in certified midwifery care.

#### Sec. 6. **[148G.04] CERTIFIED MIDWIFE LICENSING.**

Subdivision 1. **Licensure.** (a) No person shall practice as a certified midwife or serve as the faculty of record for clinical instruction in a midwifery distance learning program unless the certified midwife is licensed by the board under this chapter.

(b) An applicant for a license to practice as a certified midwife must apply to the board in a format prescribed by the board and pay a fee in an amount determined under section 148G.11.

(c) To be eligible for licensure, an applicant must:

(1) not hold an encumbered license or other credential as a certified midwife or equivalent professional designation in any state or territory;

(2) hold a current and valid certification as a certified midwife from the American Midwifery Certification Board or any successor organization acceptable to the board and provide primary source verification of certification to the board in a format prescribed by the board;

(3) have completed a graduate level midwifery program that includes clinical experience, is accredited by the Accreditation Commission for Midwifery Education or any successor organization recognized by the United States Department of Education or the Council for Higher Education Accreditation, and leads to a graduate degree. The applicant must submit primary source verification of program completion to the board in a format prescribed by the board. The primary source verification must verify the applicant completed three separate graduate-level courses in physiology and pathophysiology; advanced health assessment; and advanced pharmacology, including pharmacodynamics, pharmacokinetics, and pharmacotherapeutics of all broad categories of agents;

(4) report any criminal conviction, nolo contendere plea, Alford plea, or other plea arrangement in lieu of conviction; and

(5) not have committed any acts or omissions that are grounds for disciplinary action in another jurisdiction or, if these acts were committed and would be grounds for disciplinary action as set forth in section 148G.13, the board has found after an investigation that sufficient remediation was made.

Subd. 2. **Clinical practice component.** If more than five years have elapsed since the applicant has practiced in the certified midwife role, the applicant must complete a reorientation plan as a certified midwife. The plan must include supervision during the clinical component by a licensed practitioner with experience in providing care to patients with the same or similar health care needs. The applicant must submit the plan and the name of the practitioner to the board. The plan must include a minimum of 500 hours of supervised certified midwifery practice. The certified midwife must submit verification of completion of the clinical reorientation to the board when the reorientation is complete.

#### Sec. 7. **[148G.05] LICENSURE RENEWAL; RELICENSURE.**

Subdivision 1. **Renewal; current applicants.** (a) A certified midwife must apply for renewal of the certified midwife's license before the certified midwife's licensure period ends. To be considered timely, the board must receive the certified midwife's application on or before the last day of the certified midwife's licensure period. A certified midwife's license lapses if the certified midwife's application is untimely.

(b) An applicant for certified midwifery renewal must provide the board evidence of current certification or recertification as a certified midwife by the American Midwifery Certification Board or any successor organization.

(c) An applicant for certified midwifery renewal must submit to the board the fee under section 148G.11, subdivision 2.

Subd. 2. **Clinical practice component.** If more than five years have elapsed since the applicant has practiced as a certified midwife, the applicant must complete a reorientation plan as a certified midwife. The plan must include supervision during the clinical component by a licensed practitioner with experience in providing care to patients with the same or similar health care needs. The licensee

must submit the plan and the name of the practitioner to the board. The plan must include a minimum of 500 hours of supervised certified midwifery practice. The certified midwife must submit verification of completion of the clinical reorientation to the board when the reorientation is complete.

Subd. 3. **Relicensure; lapsed applicants.** A person whose license has lapsed desiring to resume practice as a certified midwife must apply for relicensure, submit to the board satisfactory evidence of compliance with the procedures and requirements established by the board, and pay the board the relicensure fee under section 148G.11, subdivision 4, for the current period. A penalty fee under section 148G.11, subdivision 3, is required from a person who practiced certified midwifery without current licensure. The board must relicense a person who meets the requirements of this subdivision.

**Sec. 8. [148G.06] FAILURE OR REFUSAL TO PROVIDE INFORMATION.**

Subdivision 1. **Notification requirement.** An individual licensed as a certified midwife must notify the board when the individual renews their certification. If a licensee fails to provide notification, the licensee is prohibited from practicing as a certified midwife.

Subd. 2. **Denial of license.** Refusal of an applicant to supply information necessary to determine the applicant's qualifications, failure to demonstrate qualifications, or failure to satisfy the requirements for a license contained in this chapter or rules of the board may result in denial of a license. The burden of proof is upon the applicant to demonstrate the qualifications and satisfaction of the requirements.

**Sec. 9. [148G.07] NAME CHANGE AND CHANGE OF ADDRESS.**

A certified midwife must maintain a current name and address with the board and must notify the board in writing within 30 days of any change in name or address. All notices or other correspondence mailed to or served upon a certified midwife by the board at the licensee's address on file with the board are considered received by the licensee.

**Sec. 10. [148G.08] IDENTIFICATION OF CERTIFIED MIDWIVES.**

Only those persons who hold a current license to practice certified midwifery in this state may use the title of certified midwife. A certified midwife licensed by the board must use the designation of CM for professional identification and in documentation of services provided.

**Sec. 11. [148G.09] PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.**

Subdivision 1. **Diagnosing, prescribing, and ordering.** Certified midwives, within the scope of certified midwifery practice, are authorized to:

(1) diagnose, prescribe, and institute therapy or referrals of patients to health care agencies and providers;

(2) prescribe, procure, sign for, record, administer, and dispense over-the-counter, legend, and controlled substances, including sample drugs; and

(3) plan and initiate a therapeutic regimen that includes ordering and prescribing durable medical devices and equipment, nutrition, diagnostic services, and supportive services, including but not limited to home health care, physical therapy, and occupational therapy.



Subd. 2. **Drug Enforcement Administration requirements.** (a) Certified midwives must:

(1) comply with federal Drug Enforcement Administration (DEA) requirements related to controlled substances; and

(2) file the certified midwife's DEA registrations and numbers with the board, if any.

(b) The board must maintain current records of all certified midwives with DEA registration and numbers.

Sec. 12. **[148G.10] FEES.**

The fees specified in section 148G.11 are nonrefundable and must be deposited in the state government special revenue fund.

Sec. 13. **[148G.11] FEE AMOUNTS.**

Subdivision 1. **Licensure.** The fee for licensure is \$105.

Subd. 2. **Renewal.** The fee for licensure renewal is \$85.

Subd. 3. **Practicing without current certification.** The penalty fee for a person who practices certified midwifery without a current certification or recertification, or who practices certified midwifery without current certification or recertification on file with the board, is \$200 for the first month or part of a month and an additional \$100 for each subsequent month or parts of months of practice. The penalty fee must be calculated from the first day the certified midwife practiced without a current certified midwife license and certification to the last day of practice without a current license and certification, or from the first day the certified midwife practiced without a current license and certification on file with the board until the day the current license and certification is filed with the board.

Subd. 4. **Relicensure.** The fee for relicensure is \$105. The fee for practicing without current licensure is two times the amount of the current renewal fee for any part of the first calendar month, plus the current renewal fee for any part of each subsequent month up to 24 months.

Subd. 5. **Dishonored check fee.** The service fee for a dishonored check is as provided in section 604.113.

Sec. 14. **[148G.12] APPROVED MIDWIFERY EDUCATION PROGRAM.**

Subdivision 1. **Initial approval.** An institution desiring to conduct a certified midwifery program must submit evidence to the board that the institution is prepared to:

(1) provide a program of theory and practice in certified midwifery leading to eligibility for certification in midwifery;

(2) achieve preaccreditation and eventual full accreditation by the American Commission for Midwifery Education or any successor organization recognized by the United States Department of Education or the Council for Higher Education Accreditation. Instruction and required experience

may be obtained in one or more institutions or agencies outside the applying institution if the program retains accountability for all clinical and nonclinical teaching; and

(3) meet other standards established by law and by the board.

Subd. 2. **Continuing approval.** The board must, through the board's representative, annually survey all midwifery programs in the state for current accreditation status by the American Commission for Midwifery Education or any successor organization recognized by the United States Department of Education or the Council for Higher Education Accreditation. If the results of the survey show that a certified midwifery program meets all standards for continuing accreditation, the board must continue approval of the certified midwifery program.

Subd. 3. **Loss of approval.** If the board determines that an accredited certified midwifery program is not maintaining the standards required by the American Commission on Midwifery Education or any successor organization, the board must obtain the defect in writing from the accrediting body. If a program fails to correct the defect to the satisfaction of the accrediting body and the accrediting body revokes the program's accreditation, the board must remove the program from the list of approved certified midwifery programs.

Subd. 4. **Reinstatement of approval.** The board must reinstate approval of a certified midwifery program upon submission of satisfactory evidence that the certified midwifery's program of theory and practice meets the standards required by the accrediting body.

**Sec. 15. [148G.13] GROUNDS FOR DISCIPLINARY ACTION.**

Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit, or condition the license of any person to practice certified midwifery under this chapter or otherwise discipline a licensee or applicant as described in section 148G.14. The following are grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements;

(2) employing fraud or deceit in procuring or attempting to procure a license to practice certified midwifery;

(3) conviction of a felony or gross misdemeanor reasonably related to the practice of certified midwifery. Conviction, as used in this subdivision, includes a conviction of an offense that if committed in this state would be considered a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned, but the adjudication of guilt is either withheld or not entered;

(4) revocation, suspension, limitation, conditioning, or other disciplinary action against the person's certified midwife credential in another state, territory, or country; failure to report to the board that charges regarding the person's certified midwifery license, certification, or other credential are pending in another state, territory, or country; or failure to report to the board having been refused a license or other credential by another state, territory, or country;

(5) failure or inability to practice as a certified midwife with reasonable skill and safety, or departure from or failure to conform to standards of acceptable and prevailing certified midwifery, including failure of a certified midwife to adequately supervise or monitor the performance of acts by any person working at the certified midwife's direction;

(6) engaging in unprofessional conduct, including but not limited to a departure from or failure to conform to statutes relating to certified midwifery practice or to the minimal standards of acceptable and prevailing certified midwifery practice, or in any certified midwifery practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause;

(7) supervision or accepting the supervision of a midwifery function or a prescribed health care function when the acceptance could reasonably be expected to result in unsafe or ineffective patient care;

(8) actual or potential inability to practice certified midwifery with reasonable skill and safety to patients by reason of illness; use of alcohol, drugs, chemicals, or any other material; or as a result of any mental or physical condition;

(9) adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or outside of this state;

(10) engaging in any unethical conduct, including but not limited to conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause;

(11) engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, in any verbal behavior that is seductive or sexually demeaning to a patient, or in sexual exploitation of a patient or former patient;

(12) obtaining money, property, or services from a patient, other than reasonable fees for services provided to the patient, through the use of undue influence, harassment, duress, deception, or fraud;

(13) revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law;

(14) engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws;

(15) improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to sections 144.291 to 144.298, or to furnish a patient record or report required by law;

(16) knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of certified midwifery;

(17) violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of certified midwifery, or a state or federal narcotics or controlled substance law;

(18) knowingly providing false or misleading information to a patient that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo;

(19) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board must investigate any complaint of a violation of section 609.215, subdivision 1 or 2;

(20) practicing outside the scope of certified midwifery practice as defined under section 148G.03, subdivision 5;

(21) making a false statement or knowingly providing false information to the board, failing to make reports as required by section 148G.15, or failing to cooperate with an investigation of the board as required by section 148G.17;

(22) engaging in false, fraudulent, deceptive, or misleading advertising;

(23) failure to inform the board of the person's certification or recertification status as a certified midwife;

(24) engaging in certified midwifery practice without a license and current certification or recertification by the American Midwifery Certification Board or any successor organization; or

(25) failure to maintain appropriate professional boundaries with a patient. A certified midwife must not engage in practices that create an unacceptable risk of patient harm or of the impairment of a certified midwife's objectivity or professional judgment. A certified midwife must not act or fail to act in a way that, as judged by a reasonable and prudent certified midwife, inappropriately encourages the patient to relate to the certified midwife outside of the boundaries of the professional relationship, or in a way that interferes with the patient's ability to benefit from certified midwife services. A certified midwife must not use the professional relationship with a patient, student, supervisee, or intern to further the certified midwife's personal, emotional, financial, sexual, religious, political, or business benefit or interests.

Subd. 2. **Conviction of a felony-level criminal sexual offense.** (a) Except as provided in paragraph (e), the board must not grant or renew a license to practice certified midwifery to any person who has been convicted on or after August 1, 2014, of any of the provisions of section 609.342, subdivision 1 or 1a; 609.343, subdivision 1 or 1a; 609.344, subdivision 1 or subdivision

1a, paragraphs (c) to (g); or 609.345, subdivision 1 or subdivision 1a, paragraphs (c) to (g); or a similar statute in another jurisdiction.

(b) A license to practice certified midwifery is automatically revoked if the licensee is convicted of an offense listed in paragraph (a).

(c) A license to practice certified midwifery that has been denied or revoked under this subdivision is not subject to chapter 364.

(d) For purposes of this subdivision, "conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court, unless the court stays imposition or execution of the sentence and final disposition of the case is accomplished at a nonfelony level.

(e) The board may establish criteria whereby an individual convicted of an offense listed in paragraph (a) may become licensed if the criteria:

(1) utilize a rebuttable presumption that the applicant is not suitable for licensing;

(2) provide a standard for overcoming the presumption; and

(3) require that a minimum of ten years has elapsed since the applicant's sentence was discharged.

(f) The board must not consider an application under paragraph (e) if the board determines that the victim involved in the offense was a patient or a client of the applicant at the time of the offense.

Subd. 3. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, clause (3) or (4), or subdivision 2, a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same is admissible into evidence without further authentication and constitutes prima facie evidence of the violation concerned.

Subd. 4. **Examination; access to medical data.** (a) If the board has probable cause to believe that grounds for disciplinary action exist under subdivision 1, clause (8) or (9), it may direct the applicant or certified midwife to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, when a certified midwife licensed under this chapter is directed in writing by the board to submit to a mental or physical examination or chemical dependency evaluation, that person is considered to have consented and to have waived all objections to admissibility on the grounds of privilege. Failure of the applicant or certified midwife to submit to an examination when directed constitutes an admission of the allegations against the applicant or certified midwife, unless the failure was due to circumstances beyond the person's control, and the board may enter a default and final order without taking testimony or allowing evidence to be presented. A certified midwife affected under this paragraph must, at reasonable intervals, be given an opportunity to demonstrate that the competent practice of certified midwifery can be resumed with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the board in a proceeding under this paragraph may be used against a certified midwife in any other proceeding.

(b) Notwithstanding sections 13.384, 144.651, and 595.02, or any other law limiting access to medical or other health data, the board may obtain medical data and health records relating to a certified midwife or applicant for a license without that person's consent if the board has probable

cause to believe that grounds for disciplinary action exist under subdivision 1, clause (8) or (9). The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (h); an insurance company; or a government agency, including the Department of Human Services. A provider, insurance company, or government agency must comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew or had reason to believe the information was false. Information obtained under this subdivision is classified as private data on individuals as defined in section 13.02.

**Sec. 16. [148G.14] FORMS OF DISCIPLINARY ACTION; AUTOMATIC SUSPENSION; TEMPORARY SUSPENSION; REISSUANCE.**

Subdivision 1. **Forms of disciplinary action.** If the board finds that grounds for disciplinary action exist under section 148G.13, it may take one or more of the following actions:

(1) deny the license application or licensure renewal;

(2) revoke the license;

(3) suspend the license;

(4) impose limitations on the certified midwife's practice of certified midwifery including but not limited to limitation of scope of practice or the requirement of practice under supervision;

(5) impose conditions on the retention of the license, including but not limited to the imposition of retraining or rehabilitation requirements or the conditioning of continued practice on demonstration of knowledge or skills by appropriate examination, monitoring, or other review;

(6) impose a civil penalty not exceeding \$10,000 for each separate violation. The amount of the civil penalty must be fixed so as to deprive the certified midwife of any economic advantage gained by reason of the violation charged; to reimburse the board for the cost of counsel, investigation, and proceeding; and to discourage repeated violations;

(7) order the certified midwife to provide unremunerated service;

(8) censure or reprimand the certified midwife; or

(9) any other action justified by the facts in the case.

Subd. 2. **Automatic suspension of license.** (a) Unless the board orders otherwise, a license to practice certified midwifery is automatically suspended if:

(1) a guardian of a certified midwife is appointed by order of a court under sections 524.5-101 to 524.5-502;

(2) the certified midwife is committed by order of a court under chapter 253B; or

(3) the certified midwife is determined to be mentally incompetent, mentally ill, chemically dependent, or a person dangerous to the public by a court of competent jurisdiction within or outside of this state.

(b) The license remains suspended until the certified midwife is restored to capacity by a court and, upon petition by the certified midwife, the suspension is terminated by the board after a hearing or upon agreement between the board and the certified midwife.

Subd. 3. **Temporary suspension of license.** In addition to any other remedy provided by law, the board may, through its designated board member under section 214.10, subdivision 2, temporarily suspend the license of a certified midwife without a hearing if the board finds that there is probable cause to believe the certified midwife has violated a statute or rule the board is empowered to enforce and continued practice by the certified midwife would create a serious risk of harm to others. The suspension takes effect upon written notice to the certified midwife, served by first-class mail, specifying the statute or rule violated. The suspension must remain in effect until the board issues a temporary stay of suspension or a final order in the matter after a hearing or upon agreement between the board and the certified midwife. At the time it issues the suspension notice, the board must schedule a disciplinary hearing to be held under the Administrative Procedure Act. The board must provide the certified midwife at least 20 days' notice of any hearing held under this subdivision. The board must schedule the hearing to begin no later than 30 days after the issuance of the suspension order.

Subd. 4. **Reissuance.** The board may reinstate and reissue a license certificate to practice certified midwifery, but as a condition may impose any disciplinary or corrective measure that it might originally have imposed. Any person whose license has been revoked, suspended, or limited may have the license reinstated and a new license issued when, at the discretion of the board, the action is warranted, provided that the board must require the person to pay the costs of the proceedings resulting in the revocation, suspension, or limitation of the license; the reinstatement of the license; and the fee for the current licensure period. The cost of proceedings includes but is not limited to the cost paid by the board to the Office of Administrative Hearings and the Office of the Attorney General for legal and investigative services; the costs of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses; and the costs of board members' per diem reimbursements, travel costs, and expenses.

#### Sec. 17. **[148G.15] REPORTING OBLIGATIONS.**

Subdivision 1. **Permission to report.** A person who has knowledge of any conduct constituting grounds for discipline under section 148G.13 may report the alleged violation to the board.

Subd. 2. **Institutions.** The chief nursing executive or chief administrative officer of any hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state must report to the board any action taken by the institution or organization or any of its administrators or committees to revoke, suspend, limit, or condition a certified midwife's privilege to practice in the institution, or as part of the organization, any denial of privileges, any dismissal from employment, or any other disciplinary action. The institution or organization must also report the resignation of any certified midwife before the conclusion of any disciplinary proceeding, or before commencement of formal charges, but after the certified midwife had knowledge that formal charges were

contemplated or in preparation. The reporting described by this subdivision is required only if the action pertains to grounds for disciplinary action under section 148G.13.

Subd. 3. **Licensed professionals.** A person licensed by a health-related licensing board as defined in section 214.01, subdivision 2, must report to the board personal knowledge of any conduct the person reasonably believes constitutes grounds for disciplinary action under section 148G.13 by any certified midwife, including conduct indicating that the certified midwife may be incompetent, may have engaged in unprofessional or unethical conduct, or may be mentally or physically unable to engage safely in the practice of certified midwifery.

Subd. 4. **Insurers.** (a) By the first day of February, May, August, and November, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to certified midwives must submit to the board a report concerning any certified midwife against whom a malpractice award has been made or who has been a party to a settlement. The report must contain at least the following information:

(1) the total number of settlements or awards;

(2) the date a settlement or award was made;

(3) the allegations contained in the claim or complaint leading to the settlement or award;

(4) the dollar amount of each malpractice settlement or award and whether that amount was paid as a result of a settlement or of an award; and

(5) the name and address of the practice of the certified midwife against whom an award was made or with whom a settlement was made.

(b) An insurer must also report to the board any information it possesses that tends to substantiate a charge that a certified midwife may have engaged in conduct in violation of this chapter.

Subd. 5. **Courts.** The court administrator of district court or another court of competent jurisdiction must report to the board any judgment or other determination of the court that adjudges or includes a finding that a certified midwife is a person who is mentally ill, mentally incompetent, chemically dependent, dangerous to the public, guilty of a felony or gross misdemeanor, guilty of a violation of federal or state narcotics laws or controlled substances act, guilty of operating a motor vehicle while under the influence of alcohol or a controlled substance, or guilty of an abuse or fraud under Medicare or Medicaid; or if the court appoints a guardian of the certified midwife under sections 524.5-101 to 524.5-502 or commits a certified midwife under chapter 253B.

Subd. 6. **Deadlines; forms.** Reports required by subdivisions 2 to 5 must be submitted no later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that the reports be submitted on the forms provided, and may adopt rules necessary to ensure prompt and accurate reporting. The board must review all reports, including those submitted after the deadline.

Subd. 7. **Failure to report.** Any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 6 is subject to civil penalties for failing to report as required by law.



Sec. 18. **[148G.16] IMMUNITY.**

Subdivision 1. **Reporting.** Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report to the board under section 148G.15 or for otherwise reporting in good faith to the board violations or alleged violations of this chapter. All such reports are investigative data as defined in chapter 13.

Subd. 2. **Investigation.** (a) Members of the board and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of this chapter on behalf of the board, or persons participating in the investigation or testifying regarding charges of violations, are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

(b) Members of the board and persons employed by the board or engaged in maintaining records and making reports regarding adverse health care events are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

Sec. 19. **[148G.17] CERTIFIED MIDWIFE COOPERATION.**

A certified midwife who is the subject of an investigation by or on behalf of the board must cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation and providing copies of patient or other records in the certified midwife's possession, as reasonably requested by the board, to assist the board in its investigation and to appear at conferences and hearings scheduled by the board. The board must pay for copies requested. If the board does not have written consent from a patient permitting access to the patient's records, the certified midwife must delete any data in the record that identify the patient before providing it to the board. The board must maintain any records obtained pursuant to this section as investigative data under chapter 13. The certified midwife must not be excused from giving testimony or producing any documents, books, records, or correspondence on the grounds of self-incrimination, but the testimony or evidence must not be used against the certified midwife in any criminal case.

Sec. 20. **[148G.18] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

Upon judicial review of any board disciplinary action taken under this chapter, the reviewing court must seal the administrative record, except for the board's final decision, and must not make the administrative record available to the public.

Sec. 21. **[148G.19] EXEMPTIONS.**

The provisions of this chapter do not prohibit:

(1) the furnishing of certified midwifery assistance in an emergency;

(2) the practice of certified midwifery by any legally qualified certified midwife of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of official duties;

(3) the practice of any profession or occupation licensed by the state, other than certified midwifery, by any person licensed to practice the profession or occupation, or the performance by a person of any acts properly coming within the scope of the profession, occupation, or license;

(4) the practice of traditional midwifery as specified under section 147D.03;

(5) certified midwifery practice by a student practicing under the supervision of an instructor while the student is enrolled in an approved certified midwifery education program; or

(6) certified midwifery practice by a certified midwife licensed in another state, territory, or jurisdiction who is in Minnesota temporarily;

(i) providing continuing or in-service education;

(ii) serving as a guest lecturer;

(iii) presenting at a conference; or

(iv) teaching didactic content via distance education to a student located in Minnesota who is enrolled in a formal, structured course of study, such as a course leading to a higher degree in midwifery.

Sec. 22. **[148G.20] VIOLATIONS; PENALTY.**

Subdivision 1. **Violations described.** It is unlawful for any person, corporation, firm, or association to:

(1) sell or fraudulently obtain or furnish any certified midwifery diploma, license, or record, or aid or abet therein;

(2) practice certified midwifery under cover of any diploma, permit, license certified midwife credential, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) practice certified midwifery unless the person is licensed to do so under this chapter;

(4) use the professional title certified midwife or licensed certified midwife unless licensed to practice certified midwifery under this chapter;

(5) use any abbreviation or other designation tending to imply licensure as a certified midwife unless licensed to practice certified midwifery under this chapter;

(6) practice certified midwifery in a manner prohibited by the board in any limitation of a license issued under this chapter;

(7) practice certified midwifery during the time a license issued under this section is suspended or revoked;

(8) knowingly employ persons in the practice of certified midwifery who have not been issued a current license to practice as a certified midwife in this state; or

(9) conduct a certified midwifery program for the education of persons to become certified midwives unless the program has been approved by the board.

Subd. 2. **Penalty.** Any person, corporation, or association violating any provision of subdivision 1 is guilty of a gross misdemeanor and must be punished according to law.

Subd. 3. **Penalty; certified midwives.** In addition to subdivision 2, a certified midwife who practices certified midwifery without a current license and certification or recertification, or without current certification or recertification on file with the board, must pay a penalty fee of \$200 for the first month or part of a month and an additional \$100 for each subsequent month or parts of months of practice. The amount of the penalty fee must be calculated from the first day the certified midwife practiced without a current certified midwife license and certification to the last day of practice without a current license and certification, or from the first day the certified midwife practiced without a current license and certification on file with the board until the day the current license and certification is filed with the board.

**Sec. 23. [148G.21] UNAUTHORIZED PRACTICE OF MIDWIFERY.**

The practice of certified midwifery by any person who is not licensed to practice certified midwifery under this chapter, or whose license has been suspended or revoked, or whose national certification credential has expired, is inimical to the public health and welfare and constitutes a public nuisance. Upon a complaint being made by the board or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where such practice occurred may enjoin such acts and practice. The injunction proceeding is in addition to, and not in lieu of, all other penalties and remedies provided by law.

Sec. 24. Minnesota Statutes 2022, section 152.12, subdivision 1, is amended to read:

**Subdivision 1. Prescribing, dispensing, administering controlled substances in Schedules II through V.** A licensed doctor of medicine, a doctor of osteopathic medicine, duly licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a licensed doctor of podiatry, a licensed advanced practice registered nurse, a licensed certified midwife, a licensed physician assistant, or a licensed doctor of optometry limited to Schedules IV and V, and in the course of professional practice only, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, may cause the same to be administered by a nurse, an intern or an assistant under the direction and supervision of the doctor, and may cause a person who is an appropriately certified and licensed health care professional to prescribe and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

Sec. 25. Minnesota Statutes 2022, section 256B.0625, is amended by adding a subdivision to read:

Subd. 28c. **Certified midwifery practice services.** Medical assistance covers services performed by a licensed certified midwife if:

(1) the service provided on an inpatient basis is not included as part of the cost for inpatient services included in the facility payment;

(2) the service is otherwise covered under this chapter as a physician service; and

(3) the service is within the scope of practice of the certified midwife's license as defined under chapter 148G.

Sec. 26. **EFFECTIVE DATE.**

This article is effective July 1, 2025.

## ARTICLE 12

### SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSURE

Section 1. Minnesota Statutes 2022, section 144.0572, subdivision 1, is amended to read:

Subdivision 1. **Criminal history background check requirements.** (a) Beginning January 1, 2018, an applicant for initial licensure, temporary licensure, or relicensure after a lapse in licensure as an audiologist or speech-language pathologist, a speech-language pathology assistant, or an applicant for initial certification as a hearing instrument dispenser, must submit to a criminal history records check of state data completed by the Bureau of Criminal Apprehension (BCA) and a national criminal history records check, including a search of the records of the Federal Bureau of Investigation (FBI).

(b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed or obtained a certificate before January 1, 2018, must submit to a criminal history records check of state data completed by the BCA and a national criminal history records check, including a search of the records of the FBI.

(c) An applicant must submit to a background study under chapter 245C.

(d) The criminal history records check must be structured so that any new crimes that an applicant or licensee or certificate holder commits after the initial background check are flagged in the BCA's or FBI's database and reported back to the commissioner of human services.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 148.511, is amended to read:

#### **148.511 SCOPE.**

Sections 148.511 to 148.5198 apply to persons who are applicants for licensure, who use protected titles, who represent that they are licensed, or who engage in the practice of speech-language pathology or audiology or practice as a speech-language pathology assistant. Sections 148.511 to 148.5198 do not apply to school personnel licensed by the Professional Educator Licensing and Standards Board and practicing within the scope of their school license under Minnesota Rules, part 8710.6000, or the paraprofessionals who assist these individuals.

Sec. 3. Minnesota Statutes 2022, section 148.512, subdivision 17a, is amended to read:

Subd. 17a. **Speech-language pathology assistant.** "Speech-language pathology assistant" means a person who meets the qualifications under section 148.5181 and provides speech-language pathology services under the supervision of a licensed speech-language pathologist in accordance with section 148.5192.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 4. Minnesota Statutes 2022, section 148.513, subdivision 1, is amended to read:

Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice of speech-language pathology or audiology or practice as a speech-language pathology assistant unless the person is licensed as a speech-language pathologist or, an audiologist, or a speech-language pathology assistant under sections 148.511 to 148.5198 ~~or is practicing as a speech-language pathology assistant in accordance with section 148.5192.~~ For purposes of this subdivision, a speech-language pathology assistant's duties are limited to the duties described in accordance with section 148.5192, subdivision 2.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 5. Minnesota Statutes 2022, section 148.513, subdivision 2, is amended to read:

Subd. 2. **Protected titles and restrictions on use; speech-language pathologists and audiologists.** (a) Notwithstanding paragraph ~~(b)~~ (c), the use of the following terms or initials which represent the following terms, alone or in combination with any word or words, by any person to form an occupational title is prohibited unless that person is licensed as a speech-language pathologist or audiologist under sections 148.511 to 148.5198:

- (1) speech-language;
- (2) speech-language pathologist, S, SP, or SLP;
- (3) speech pathologist;
- (4) language pathologist;
- (5) audiologist, A, or AUD;
- (6) speech therapist;
- (7) speech clinician;
- (8) speech correctionist;
- (9) language therapist;
- (10) voice therapist;
- (11) voice pathologist;
- (12) logopedist;

- (13) communicologist;
- (14) aphasiologist;
- (15) phoniatrist;
- (16) audiometrist;
- (17) audioprosthologist;
- (18) hearing therapist;
- (19) hearing clinician; or
- (20) hearing aid audiologist.

(b) Use of the term "Minnesota licensed" in conjunction with the titles protected under this paragraph (a) by any person is prohibited unless that person is licensed as a speech-language pathologist or audiologist under sections 148.511 to 148.5198.

~~(b)~~ (c) A speech-language pathology assistant practicing under ~~section 148.5192~~ sections 148.511 to 148.5198 must not represent, indicate, or imply to the public that the assistant is a licensed speech-language pathologist and shall only utilize one of the following titles: "speech-language pathology assistant," "SLP assistant," or "SLP asst." the titles provided in subdivision 2b.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 6. Minnesota Statutes 2022, section 148.513, is amended by adding a subdivision to read:

**Subd. 2b. Protected titles and restrictions on use; speech-language pathology assistant.** (a) The use of the following terms or initials which represent the following terms, alone or in combination with any word or words, by any person to form an occupational title is prohibited unless that person is licensed under section 148.5181:

- (1) speech-language pathology assistant;
- (2) SLP assistant; or
- (3) SLP asst.

(b) Use of the term "Minnesota licensed" in conjunction with the titles protected under this subdivision by any person is prohibited unless that person is licensed under section 148.5181.

(c) A speech-language pathology assistant practicing under section 148.5192 must not represent, indicate, or imply to the public that the assistant is a licensed speech-language pathologist and must only utilize the title provided in paragraph (a).

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 7. Minnesota Statutes 2022, section 148.513, subdivision 3, is amended to read:

Subd. 3. **Exemption.** (a) Nothing in sections 148.511 to 148.5198 prohibits the practice of any profession or occupation licensed, certified, or registered by the state by any person duly licensed, certified, or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

(b) Subdivision 1 does not apply to a student participating in supervised field work or supervised course work that is necessary to meet the requirements of ~~section~~ sections 148.515, subdivision 2 ~~or 3~~, or 148.5181, subdivision 2, if the person is designated by a title which clearly indicates the person's status as a student trainee.

(c) Subdivisions 1 ~~and~~ 2, and 2a do not apply to a person visiting and then leaving the state and using titles restricted under this section while in the state, if the titles are used no more than 30 days in a calendar year as part of a professional activity that is limited in scope and duration and is in association with an audiologist or speech-language pathologist licensed under sections 148.511 to 148.5198.

Sec. 8. Minnesota Statutes 2022, section 148.514, subdivision 2, is amended to read:

Subd. 2. **General licensure qualifications.** An applicant for licensure must possess the qualifications required in one of the following clauses:

(1) a person who applies for licensure and does not meet the requirements in clause (2) or (3), must meet the requirements in section 148.515 or 148.5181, subdivision 2;

(2) a person who applies for licensure and who has a current certificate of clinical competence issued by the American Speech-Language-Hearing Association, or board certification by the American Board of Audiology, must meet the requirements of section 148.516; or

(3) a person who applies for licensure by reciprocity must meet the requirements under section 148.517 or 148.5181, subdivision 3.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 9. Minnesota Statutes 2022, section 148.515, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** Except as provided in section 148.516 or 148.517, an applicant for speech-language pathology or audiology must meet the requirements in this section.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 10. Minnesota Statutes 2022, section 148.518, is amended to read:

#### **148.518 LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS.**

Subdivision 1. **Speech-language pathology or audiology lapse.** ~~For~~ An applicant whose licensure status has lapsed, ~~the applicant~~ and who is applying for a speech-language pathology or audiology license must:

(1) apply for licensure renewal according to section 148.5191 and document compliance with the continuing education requirements of section 148.5193 since the applicant's license lapsed;

(2) fulfill the requirements of section 148.517;

(3) apply for renewal according to section 148.5191, provide evidence to the commissioner that the applicant holds a current and unrestricted credential for the practice of speech-language pathology from the Professional Educator Licensing and Standards Board or for the practice of speech-language pathology or audiology in another jurisdiction that has requirements equivalent to or higher than those in effect for Minnesota, and provide evidence of compliance with Professional Educator Licensing and Standards Board or that jurisdiction's continuing education requirements;

(4) apply for renewal according to section 148.5191 and submit verified documentation of successful completion of 160 hours of supervised practice approved by the commissioner. To participate in a supervised practice, the applicant shall first apply and obtain temporary licensing according to section 148.5161; or

(5) apply for renewal according to section 148.5191 and provide documentation of obtaining a qualifying score on the examination described in section 148.515, subdivision 4, within one year of the application date for license renewal.

Subd. 2. **Speech-language pathology assistant licensure lapse.** An applicant applying for speech-language pathology assistant licensure and whose licensure status has lapsed must:

(1) apply for licensure renewal according to section 148.5191 and document compliance with the continuing education requirements of section 148.5193 since the applicant's license lapsed;

(2) apply for renewal according to section 148.5191, and provide evidence to the commissioner that the applicant has an associate's degree from a speech-language pathology assistant program that is accredited by the Higher Learning Commission of the North Central Association of Colleges;

(3) apply for renewal according to section 148.5191 and provide evidence to the commissioner that the applicant has a bachelor's degree in the discipline of communication sciences or disorders and a speech-language pathology assistant certificate program, including relevant coursework and supervised field experience according to section 148.5181; or

(4) apply for licensure renewal according to section 148.5191 and document compliance with the continuing education requirements of section 148.5193 since the applicant's license lapsed.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 11. **[148.5181] LICENSURE; SPEECH-LANGUAGE PATHOLOGY ASSISTANTS.**

Subdivision 1. **Applicability.** Except as provided in subdivisions 3 and 4, an applicant for licensure as a speech-language pathology assistant must meet the requirements of this section.

Subd. 2. **Educational requirements.** (a) To be eligible for speech-language pathology assistant licensure, an applicant must submit to the commissioner a transcript from an educational institution documenting satisfactory completion of either:

(1) an associate's degree from a speech-language pathology assistant program that is accredited by the Higher Learning Commission of the North Central Association of Colleges or its equivalent



as approved by the commissioner and that includes at least 100 hours of supervised field work experience in speech-language pathology assisting; or

(2) a bachelor's degree in the discipline of communication sciences or disorders and a speech-language pathology assistant certificate program that includes:

(i) coursework in an introduction to speech-language pathology assisting, adult communication disorders and treatment, speech sound disorders and language disorders at a speech-language pathology assistant level; and

(ii) at least 100 hours of supervised field work experience in speech-language pathology assisting.

(b) Within one month following expiration of a license, an applicant for licensure renewal as a speech-language pathology assistant must provide, on a form provided by the commissioner, evidence to the commissioner of a minimum of 20 contact hours of continuing education obtained within the two years immediately preceding licensure expiration. A minimum of 13 contact hours of continuing education must be directly related to the licensee's area of licensure. Seven contact hours of continuing education may be in areas generally related to the licensee's area of licensure. Licensees who are issued licenses for a period of less than two years must prorate the number of contact hours required for licensure renewal based on the number of months licensed during the biennial licensure period. Licensees must receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was performed.

Subd. 3. **Licensure by reciprocity.** The commissioner shall issue a speech-language pathology assistant license to a person who holds a current speech-language pathology assistant license in another state if the following conditions are met:

(1) payment of the commissioner's current fee for licensure; and

(2) the applicant submits evidence of licensure in good standing from another state that maintains a system and standard of examinations for speech-language pathology assistants which meets or exceeds the current requirements for licensure in Minnesota.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 12. Minnesota Statutes 2022, section 148.519, subdivision 1, is amended to read:

Subdivision 1. **Applications for licensure; speech-language pathologists and audiologists.**

(a) An applicant for licensure as a speech-language pathologist or audiologist must:

(1) submit a completed application for licensure on forms provided by the commissioner. The application must include the applicant's name, certification number under chapter 153A, if applicable, business address and telephone number, or home address and telephone number if the applicant practices speech-language pathology or audiology out of the home, and a description of the applicant's education, training, and experience, including previous work history for the five years immediately preceding the date of application. The commissioner may ask the applicant to provide additional information necessary to clarify information submitted in the application; and

(2) submit documentation of the certificate of clinical competence issued by the American Speech-Language-Hearing Association, board certification by the American Board of Audiology, or satisfy the following requirements:

(i) submit a transcript showing the completion of a master's or doctoral degree or its equivalent meeting the requirements of section 148.515, subdivision 2;

(ii) submit documentation of the required hours of supervised clinical training;

(iii) submit documentation of the postgraduate clinical or doctoral clinical experience meeting the requirements of section 148.515, subdivision 4; and

(iv) submit documentation of receiving a qualifying score on an examination meeting the requirements of section 148.515, subdivision 6.

(b) In addition, an applicant must:

(1) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(2) submit with the application all fees required by section 148.5194;

(3) sign a waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant has engaged in the practice of speech-language pathology or audiology; and

(4) consent to a fingerprint-based criminal history background check as required under section 144.0572, pay all required fees, and cooperate with all requests for information. An applicant must complete a new criminal history background check if more than one year has elapsed since the applicant last applied for a license.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 13. Minnesota Statutes 2022, section 148.519, is amended by adding a subdivision to read:

**Subd. 1a. Applications for licensure; speech-language pathology assistants.** An applicant for licensure as a speech-language pathology assistant must:

(1) submit a completed application on forms provided by the commissioner. The application must include the applicant's name, business address and telephone number, home address and telephone number, and a description of the applicant's education, training, and experience, including previous work history for the five years immediately preceding the application date. The commissioner may ask the applicant to provide additional information needed to clarify information submitted in the application;

(2) submit a transcript showing the completion of the requirements set forth in section 148.5181;

(3) submit a signed statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(4) submit all fees required under section 148.5194;

(5) submit a signed waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant has worked as a speech-language pathology assistant; and

(6) consent to a fingerprint-based criminal history background check as required under section 144.0572, pay all required fees, and cooperate with all requests for information. An applicant must complete a new criminal history background check if more than one year has lapsed since the applicant last applied for a license.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 14. Minnesota Statutes 2022, section 148.5191, subdivision 1, is amended to read:

Subdivision 1. **Renewal requirements.** To renew licensure, an applicant for license renewal as a speech-language pathologist or audiologist must:

(1) biennially complete a renewal application on a form provided by the commissioner and submit the biennial renewal fee;

(2) meet the continuing education requirements of section 148.5193 and submit evidence of attending continuing education courses, as required in section 148.5193, subdivision 6; and

(3) submit additional information if requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

Sec. 15. Minnesota Statutes 2022, section 148.5191, is amended by adding a subdivision to read:

**Subd. 1a. Renewal requirements; speech-language pathology assistant.** To renew licensure, an applicant for license renewal as a speech-language pathology assistant must:

(1) biennially complete a renewal application on a form provided by the commissioner and submit the biennial renewal fee;

(2) meet the continuing education requirements of section 148.5193, subdivision 1a, and submit evidence of attending continuing education courses, as required in section 148.5193, subdivision 1a; and

(3) submit additional information if requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 16. Minnesota Statutes 2022, section 148.5192, subdivision 1, is amended to read:

Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may delegate duties to a licensed speech-language pathology assistant in accordance with this section following an initial introduction to a client with the speech-language pathologist and speech-language pathology assistant present. ~~Duties may only be delegated to an individual who has documented with a transcript from an educational institution satisfactory completion of either:~~

~~(1) an associate degree from a speech-language pathology assistant program that is accredited by the Higher Learning Commission of the North Central Association of Colleges or its equivalent as approved by the commissioner; or~~

~~(2) a bachelor's degree in the discipline of communication sciences or disorders with additional transcript credit in the area of instruction in assistant-level service delivery practices and completion of at least 100 hours of supervised field work experience as a speech-language pathology assistant student.~~

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 17. Minnesota Statutes 2022, section 148.5192, subdivision 2, is amended to read:

Subd. 2. **Delegated duties; prohibitions.** (a) A speech-language pathology assistant may perform only those duties delegated by a licensed speech-language pathologist and must be limited to duties within the training and experience of the speech-language pathology assistant.

(b) Duties may include the following as delegated by the supervising speech-language pathologist:

(1) assist with speech language and hearing screenings;

(2) implement documented treatment plans or protocols developed by the supervising speech-language pathologist;

(3) document client performance, including writing progress notes;

(4) assist with assessments of clients;

(5) assist with preparing materials and scheduling activities as directed;

(6) perform checks and maintenance of equipment;

(7) support the supervising speech-language pathologist in research projects, in-service training, and public relations programs; and

(8) collect data for quality improvement.

(c) A speech-language pathology assistant may not:

(1) perform standardized or nonstandardized diagnostic tests, perform formal or informal evaluations, or interpret test results;

~~(2) screen or diagnose clients for feeding or swallowing disorders, including using a checklist or tabulating results of feeding or swallowing evaluations, or demonstrate swallowing strategies or~~

precautions to clients or the clients' families demonstrate strategies included in the feeding and swallowing plan developed by the speech-language pathologist or share such information with students, patients, clients, families, staff, and caregivers;

(3) participate in parent conferences, case conferences, or ~~any~~ interdisciplinary team ~~without the presence of the supervising speech-language pathologist or other licensed speech-language pathologist as authorized by the supervising speech-language pathologist~~ meetings without approval from the speech-language pathologist or misrepresent themselves as a speech-language pathologist at such a conference or meeting. The speech-language pathologist and speech-language pathology assistant are required to meet prior to the parent conferences, case conferences, or interdisciplinary team meetings to determine the information to be shared;

(4) provide client or family counseling or consult with the client or the family regarding the client status or service;

(5) write, develop, or modify a client's individualized treatment plan or individualized education program;

(6) select clients for service;

(7) discharge clients from service;

(8) ~~disclose clinical or confidential information either orally or in writing to anyone other than the supervising speech-language pathologist~~ information to other team members without permission from the supervising speech-language pathologist; or

(9) make referrals for additional services.

(d) A speech-language pathology assistant must ~~not only sign any formal~~ documents, including treatment plans, education plans, reimbursement forms, or reports, when cosigned by the supervising speech-language pathologist. The speech-language pathology assistant must sign or initial all treatment notes written by the assistant, which must then also be cosigned by the supervising speech-language pathologist.

Sec. 18. Minnesota Statutes 2022, section 148.5192, subdivision 3, is amended to read:

Subd. 3. **Supervision requirements.** (a) A supervising speech-language pathologist shall authorize and accept full responsibility for the performance, practice, and activity of a speech-language pathology assistant. The amount and type of supervision required must be based on the skills and experience of the speech-language pathology assistant. A minimum of one hour every 30 days of consultative supervision time must be documented for each speech-language pathology assistant.

(b) A supervising speech-language pathologist must:

(1) be licensed under sections 148.511 to 148.5198;

(2) hold a certificate of clinical competence from the American Speech-Language-Hearing Association or its equivalent as approved by the commissioner; and

(3) have completed at least ~~one~~ ten hours of continuing education ~~unit~~ in supervision.

(c) ~~The supervision of a speech-language pathology assistant shall be maintained on the following schedule:~~

~~(1) for the first 90 workdays, within a 40-hour work week, 30 percent of the work performed by the speech-language pathology assistant must be supervised and at least 20 percent of the work performed must be under direct supervision; and~~

~~(2) for the work period after the initial 90-day period, within a 40-hour work week, 20 percent of the work performed must be supervised and at least ten percent of the work performed must be under direct supervision once every 60 days, the supervising speech-language pathologist must treat or cotreat with the speech-language pathology assistant each client on the speech-language pathology assistant's caseload.~~

(d) For purposes of this section, "direct supervision" means ~~on-site, in-view~~ observation and guidance by the supervising speech-language pathologist during the performance of a delegated duty that occurs either on-site and in-view or through the use of real-time, two-way interactive audio and visual communication. The supervision requirements described in this section are minimum requirements. Additional supervision requirements may be imposed at the discretion of the supervising speech-language pathologist.

(e) A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant at any time the assistant is in direct contact with a client.

(f) A supervising speech-language pathologist must document activities performed by the assistant that are directly supervised by the supervising speech-language pathologist. At a minimum, the documentation must include:

(1) information regarding the quality of the speech-language pathology assistant's performance of the delegated duties; and

(2) verification that any delegated clinical activity was limited to duties authorized to be performed by the speech-language pathology assistant under this section.

(g) A supervising speech-language pathologist must review and cosign all informal treatment notes signed or initialed by the speech-language pathology assistant.

(h) A full-time, speech-language pathologist may supervise no more than ~~one~~ two full-time, speech-language pathology ~~assistant~~ assistants or the equivalent of ~~one~~ two full-time ~~assistant~~ assistants.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 19. Minnesota Statutes 2022, section 148.5193, subdivision 1, is amended to read:

Subdivision 1. **Number of contact hours required; speech-language pathologists and audiologists.** (a) An applicant for licensure renewal as a speech-language pathologist or audiologist must meet the requirements for continuing education stipulated by the American

Speech-Language-Hearing Association or the American Board of Audiology, or satisfy the requirements described in paragraphs (b) to (e).

(b) Within one month following expiration of a license, an applicant for licensure renewal as either a speech-language pathologist or an audiologist must provide evidence to the commissioner of a minimum of 30 contact hours of continuing education obtained within the two years immediately preceding licensure expiration. A minimum of 20 contact hours of continuing education must be directly related to the licensee's area of licensure. Ten contact hours of continuing education may be in areas generally related to the licensee's area of licensure. Licensees who are issued licenses for a period of less than two years shall prorate the number of contact hours required for licensure renewal based on the number of months licensed during the biennial licensure period. Licensees shall receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was performed.

(c) An applicant for licensure renewal as both a speech-language pathologist and an audiologist must attest to and document completion of a minimum of 36 contact hours of continuing education offered by a continuing education sponsor within the two years immediately preceding licensure renewal. A minimum of 15 contact hours must be received in the area of speech-language pathology and a minimum of 15 contact hours must be received in the area of audiology. Six contact hours of continuing education may be in areas generally related to the licensee's areas of licensure. Licensees who are issued licenses for a period of less than two years shall prorate the number of contact hours required for licensure renewal based on the number of months licensed during the biennial licensure period. Licensees shall receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was performed.

(d) If the licensee is licensed by the Professional Educator Licensing and Standards Board:

(1) activities that are approved in the categories of Minnesota Rules, part 8710.7200, subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

- (i) offered by a sponsor of continuing education; and
- (ii) directly related to speech-language pathology;

(2) activities that are approved in the categories of Minnesota Rules, part 8710.7200, subpart 3, shall be considered:

- (i) offered by a sponsor of continuing education; and
- (ii) generally related to speech-language pathology; and

(3) one clock hour as defined in Minnesota Rules, part 8710.7200, subpart 1, is equivalent to 1.0 contact hours of continuing education.

(e) Contact hours may not be accumulated in advance and transferred to a future continuing education period.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 20. Minnesota Statutes 2022, section 148.5193, is amended by adding a subdivision to read:

Subd. 1a. **Continuing education; speech-language pathology assistants.** An applicant for licensure renewal as a speech-language pathology assistant must meet the requirements for continuing education established by the American Speech-Language-Hearing Association and submit evidence of attending continuing education courses. A licensee must receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was completed. Continuing education contact hours obtained in one licensure period must not be transferred to a future licensure period.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 21. Minnesota Statutes 2022, section 148.5194, is amended by adding a subdivision to read:

Subd. 3b. **Speech-language pathology assistant licensure fees.** The fee for initial licensure as a speech-language pathology assistant is \$...... The fee for licensure renewal for a speech-language pathology assistant is \$......

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 22. Minnesota Statutes 2022, section 148.5194, subdivision 8, is amended to read:

Subd. 8. **Penalty fees.** (a) The penalty fee for practicing speech-language pathology or audiology, practicing as a speech-language pathology assistant, or using protected titles without a current license after the credential has expired and before it is renewed is the amount of the license renewal fee for any part of the first month, plus the license renewal fee for any part of any subsequent month up to 36 months.

(b) The penalty fee for applicants who engage in the unauthorized practice of speech-language pathology or audiology, practice as a speech-language pathology assistant, or ~~using~~ use of protected titles before being issued a license is the amount of the license application fee for any part of the first month, plus the license application fee for any part of any subsequent month up to 36 months. This paragraph does not apply to applicants not qualifying for a license who engage in the unauthorized practice of speech language pathology or audiology or in the unauthorized practice as a speech-language pathology assistant.

(c) The penalty fee for practicing speech-language pathology or audiology and failing to submit a continuing education report by the due date with the correct number or type of hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty fee for a licensed speech-language pathology assistant who fails to submit a continuing education report by the due date with the correct number or type of hours in the correct time period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between the effective and expiration dates of the certificate, the one-month period following the certificate expiration date, or the 30 days following notice of a penalty fee for failing to report all continuing education hours. The licensee must obtain the missing number of continuing education hours by the next reporting due date.



(d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and exceeding six months, payment of a penalty fee does not preclude any disciplinary action reasonably justified by the individual case.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 23. Minnesota Statutes 2023 Supplement, section 148.5195, subdivision 3, is amended to read:

Subd. 3. **Grounds for disciplinary action by commissioner.** The commissioner may take any of the disciplinary actions listed in subdivision 4 on proof that the individual has:

(1) intentionally submitted false or misleading information to the commissioner or the advisory council;

(2) failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council;

(3) performed services of a speech-language pathologist ~~or~~, audiologist, or speech-language pathology assistant in an incompetent or negligent manner;

(4) violated sections 148.511 to 148.5198;

(5) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(6) violated any state or federal law, rule, or regulation, and the violation is a felony or misdemeanor, an essential element of which is dishonesty, or which relates directly or indirectly to the practice of speech-language pathology or audiology or to the practice of a speech-language pathology assistant. Conviction for violating any state or federal law which relates to speech-language pathology ~~or~~, audiology, or to the practice of a speech-language pathology assistant is necessarily considered to constitute a violation, except as provided in chapter 364;

(7) aided or abetted another person in violating any provision of sections 148.511 to 148.5198;

(8) been or is being disciplined by another jurisdiction, if any of the grounds for the discipline is the same or substantially equivalent to those under sections 148.511 to 148.5198;

(9) not cooperated with the commissioner or advisory council in an investigation conducted according to subdivision 1;

(10) advertised in a manner that is false or misleading;

(11) engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

(12) failed to disclose to the consumer any fee splitting or any promise to pay a portion of a fee to any other professional other than a fee for services rendered by the other professional to the client;

(13) engaged in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

(14) obtained money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

(15) performed services for a client who had no possibility of benefiting from the services;

(16) failed to refer a client for medical evaluation or to other health care professionals when appropriate or when a client indicated symptoms associated with diseases that could be medically or surgically treated;

(17) had the certification required by chapter 153A denied, suspended, or revoked according to chapter 153A;

(18) used the term doctor of audiology, doctor of speech-language pathology, AuD, or SLPD without having obtained the degree from an institution accredited by the North Central Association of Colleges and Secondary Schools, the Council on Academic Accreditation in Audiology and Speech-Language Pathology, the United States Department of Education, or an equivalent;

(19) failed to comply with the requirements of section 148.5192 regarding supervision of speech-language pathology assistants; or

(20) if the individual is an audiologist or certified prescription hearing aid dispenser:

(i) prescribed to a consumer or potential consumer the use of a prescription hearing aid, unless the prescription from a physician, an audiologist, or a certified dispenser is in writing, is based on an audiogram that is delivered to the consumer or potential consumer when the prescription is made, and bears the following information in all capital letters of 12-point or larger boldface type: "THIS PRESCRIPTION MAY BE FILLED BY, AND PRESCRIPTION HEARING AIDS MAY BE PURCHASED FROM, THE LICENSED AUDIOLOGIST OR CERTIFIED DISPENSER OF YOUR CHOICE";

(ii) failed to give a copy of the audiogram, upon which the prescription is based, to the consumer when the consumer requests a copy;

(iii) failed to provide the consumer rights brochure required by section 148.5197, subdivision 3;

(iv) failed to comply with restrictions on sales of prescription hearing aids in sections 148.5197, subdivision 3, and 148.5198;

(v) failed to return a consumer's prescription hearing aid used as a trade-in or for a discount in the price of a new prescription hearing aid when requested by the consumer upon cancellation of the purchase agreement;

(vi) failed to follow Food and Drug Administration or Federal Trade Commission regulations relating to dispensing prescription hearing aids;

(vii) failed to dispense a prescription hearing aid in a competent manner or without appropriate training;

(viii) delegated prescription hearing aid dispensing authority to a person not authorized to dispense a prescription hearing aid under this chapter or chapter 153A;

(ix) failed to comply with the requirements of an employer or supervisor of a prescription hearing aid dispenser trainee;

(x) violated a state or federal court order or judgment, including a conciliation court judgment, relating to the activities of the individual's prescription hearing aid dispensing; or

(xi) failed to include on the audiogram the practitioner's printed name, credential type, credential number, signature, and date.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 24. Minnesota Statutes 2022, section 148.5195, subdivision 5, is amended to read:

Subd. 5. **Consequences of disciplinary actions.** Upon the suspension or revocation of licensure, the speech-language pathologist or audiologist, or speech-language pathology assistant, shall cease to practice speech-language pathology or audiology, or practice as a speech-language pathology assistant, to use titles protected under sections 148.511 to 148.5198, and to represent to the public that the speech-language pathologist or audiologist, or speech-language pathology assistant, is licensed by the commissioner.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 25. Minnesota Statutes 2022, section 148.5195, subdivision 6, is amended to read:

Subd. 6. **Reinstatement requirements after disciplinary action.** A speech-language pathologist or audiologist, or speech-language pathology assistant, who has had licensure suspended may petition on forms provided by the commissioner for reinstatement following the period of suspension specified by the commissioner. The requirements of section 148.5191 for renewing licensure must be met before licensure may be reinstated.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 26. Minnesota Statutes 2023 Supplement, section 148.5196, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The commissioner shall appoint ~~42~~ 13 persons to a Speech-Language Pathologist and Audiologist Advisory Council. The ~~42~~ 13 persons must include:

(1) three public members, as defined in section 214.02. Two of the public members shall be either persons receiving services of a speech-language pathologist or audiologist, or family members of or caregivers to such persons, and at least one of the public members shall be either a hearing aid user or an advocate of one;

(2) three speech-language pathologists licensed under sections 148.511 to 148.5198, one of whom is currently and has been, for the five years immediately preceding the appointment, engaged in the practice of speech-language pathology in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, and government agencies;

(3) one speech-language pathologist licensed under sections 148.511 to 148.5198, who is currently and has been, for the five years immediately preceding the appointment, employed by a Minnesota public school district or a Minnesota public school district consortium that is authorized by Minnesota Statutes and who is licensed in speech-language pathology by the Professional Educator Licensing and Standards Board;

(4) three audiologists licensed under sections 148.511 to 148.5198, two of whom are currently and have been, for the five years immediately preceding the appointment, engaged in the practice of audiology and the dispensing of prescription hearing aids in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, industry, and government agencies;

(5) one nonaudiologist prescription hearing aid dispenser recommended by a professional association representing prescription hearing aid dispensers; ~~and~~

(6) one physician licensed under chapter 147 and certified by the American Board of Otolaryngology, Head and Neck Surgery; and

(7) one speech-language pathology assistant licensed under sections 148.511 to 148.5198.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 27. Minnesota Statutes 2022, section 148.5196, subdivision 3, is amended to read:

Subd. 3. **Duties.** The advisory council shall:

(1) advise the commissioner regarding speech-language pathologist and audiologist licensure standards;

(2) advise the commissioner regarding the delegation of duties to, the licensure standards for, and the training required for speech-language pathology assistants;

(3) advise the commissioner on enforcement of sections 148.511 to 148.5198;

(4) provide for distribution of information regarding speech-language pathologist ~~and~~ audiologist, and speech-language pathology assistant licensure standards;

(5) review applications and make recommendations to the commissioner on granting or denying licensure or licensure renewal;

(6) review reports of investigations relating to individuals and make recommendations to the commissioner as to whether licensure should be denied or disciplinary action taken against the individual;

(7) advise the commissioner regarding approval of continuing education activities provided by sponsors using the criteria in section 148.5193, subdivision 2; and

(8) perform other duties authorized for advisory councils under chapter 214, or as directed by the commissioner.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

Sec. 28. Minnesota Statutes 2023 Supplement, section 245C.031, subdivision 4, is amended to read:

Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner of health.** The commissioner shall conduct an alternative background study, including a check of state data, and a national criminal history records check of the following individuals. For studies under this section, the following persons shall complete a consent form and criminal history disclosure form:

(1) An applicant for initial licensure, temporary licensure, or relicensure after a lapse in licensure as an audiologist ~~or~~ speech-language pathologist, or speech-language pathologist assistant, or an applicant for initial certification as a hearing instrument dispenser who must submit to a background study under section 144.0572.

(2) An applicant for a renewal license or certificate as an audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed or obtained a certificate before January 1, 2018.

**EFFECTIVE DATE.** This section is effective July 1, 2025.

## ARTICLE 13

### APPROPRIATION

#### Section 1. **APPROPRIATION.**

\$..... in fiscal year 2025 is appropriated from the state government special revenue fund to the Board of Psychology to implement Minnesota Statutes, sections 148.9981 to 148.9995.

**EFFECTIVE DATE.** This section is effective July 1, 2024."

Delete the title and insert:

"A bill for an act relating to health occupations; establishing transfer care specialist registration; providing licensure for behavior analysts and assistants; providing licensure for veterinary technicians; modifying required education criteria for dental assistants; creating guest licensure for marriage and family therapists; authorizing pharmacists to prescribe drugs to prevent the acquisition of HIV; revising the scope of practice for optometrists; creating a limited licensure to practice medicine for international medical graduates; establishing licensure for certified midwives; establishing licensure for speech-language pathology assistants; establishing fees; appropriating money; amending Minnesota Statutes 2022, sections 144.0572, subdivision 1; 147.037, by adding a subdivision; 147B.01, subdivisions 3, 4, 9, 14, by adding a subdivision; 147B.03, subdivisions 2, 3; 147B.05,

subdivision 1; 147B.06, subdivisions 1, 4, 5; 147D.03, subdivision 1; 148.241; 148.511; 148.512, subdivision 17a; 148.513, subdivisions 1, 2, 3, by adding a subdivision; 148.514, subdivision 2; 148.515, subdivision 1; 148.518; 148.519, subdivision 1, by adding a subdivision; 148.5191, subdivision 1, by adding a subdivision; 148.5192, subdivisions 1, 2, 3; 148.5193, subdivision 1, by adding a subdivision; 148.5194, subdivision 8, by adding a subdivision; 148.5195, subdivisions 5, 6; 148.5196, subdivision 3; 148.56, subdivision 1; 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4; 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01, subdivision 3; 149A.02, subdivision 13a, by adding a subdivision; 149A.03; 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 150A.06, subdivisions 1c, 8; 151.01, subdivisions 23, 27; 151.37, by adding a subdivision; 152.12, subdivision 1; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2, 4; 256B.0625, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 144.99, subdivision 1; 148.5195, subdivision 3; 148.5196, subdivision 1; 148B.392, subdivision 2; 245C.031, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 149A; 156; proposing coding for new law as Minnesota Statutes, chapter 148G; repealing Minnesota Statutes 2022, sections 147A.09, subdivision 5; 147B.01, subdivision 18; 148D.061, subdivision 9; 156.12, subdivision 6."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government and Veterans.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Fateh from the Committee on Higher Education, to which was re-referred**

**S.F. No. 4912:** A bill for an act relating to higher education; requiring submission of information to the legislature prior to the introduction of a bill appropriating money to the Board of Regents of the University Minnesota; requiring annual reporting; directing the commissioner of health to provide recommendations for a health professions workforce advisory council; appropriating money for the academic health system at the University of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 137.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, after "measures" insert "as defined by the University of Minnesota that"

Page 2, line 7, after "for" insert "and retention of"

Page 2, line 8, after "professionals" insert "from and"

Page 2, line 11, delete "a duly" and insert "the University of Minnesota Vice President and Budget Director"

Page 2, delete line 12

Page 2, line 13, delete "the appropriation"

Page 3, line 16, delete "and needs" and after "training" insert "and on the need for additional or different training opportunities"

Page 3, line 17, delete "issues" and insert "needs and trends"

Page 4, line 3, delete the second "and"

Page 4, line 4, after the semicolon, insert "and"

Page 4, after line 4, insert:

"(E) developing advancement paths or career ladders for health care professionals;"

Page 4, line 22, delete "December 31, 2024" and insert "February 1, 2025"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Fateh from the Committee on Higher Education, to which was re-referred**

**S.F. No. 4107:** A bill for an act relating to education; strengthening the Increase Teachers of Color Act; making permanent a pilot scholarship program for aspiring teachers of color; establishing a special revenue fund account; appropriating money; amending Laws 2021, First Special Session chapter 2, article 2, section 45; Laws 2023, chapter 55, article 5, section 65, subdivisions 3, 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 24, delete ", does not cancel, and is continuously available"

Page 5, line 3, delete "APPROPRIATIONS" and insert "TRANSFER"

Page 5, line 4, delete "(a) \$10,000,000" and insert "\$9,800,000" and delete "appropriated" and insert "transferred" and delete "for transfer"

Page 5, line 10, after the period, insert "This is a onetime transfer."

Page 5, delete lines 11 and 12

Page 5, before line 13, insert:

"Sec. 5. APPROPRIATION; OFFICE OF HIGHER EDUCATION.

\$200,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of the Office of Higher Education to administer the program under Minnesota Statutes, section 136A.1273. This is a onetime appropriation and is available until June 30, 2027."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "transferring money;"

And when so amended the bill do pass and be re-referred to the Committee on Education Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Wiklund from the Committee on Health and Human Services, to which was referred**

**S.F. No. 5133:** A bill for an act relating to state government; making human services forecast adjustments; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Wiklund from the Committee on Health and Human Services, to which was referred**

**S.F. No. 5082:** A bill for an act relating to state government; making human services forecast adjustments; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Wiklund from the Committee on Health and Human Services, to which was referred**

**S.F. No. 5159:** A bill for an act relating to health; prohibiting manufacturers and wholesale distributors from limiting pharmacy access to 340B drugs; amending Minnesota Statutes 2023 Supplement, section 151.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "and distributors" and delete "or wholesale drug"

Page 1, line 9, delete "distributor"

Page 1, line 10, delete "or distribution" and delete "340B drug" and insert "covered outpatient drug"

Page 1, line 11, delete "340B" and insert "covered outpatient"

Page 1, line 12, delete "or distribution"

Page 1, after line 17, insert:



"(d) 'Covered outpatient drug' has the meaning provided in section 1927(k) of the Social Security Act."

Page 1, delete line 18

Page 6, line 10, delete "or wholesale distributor"

Amend the title as follows:

Page 1, line 2, delete "and wholesale distributors"

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator McEwen from the Committee on Labor, to which was referred**

**S.F. No. 5257:** A bill for an act relating to labor and industry; modifying combative sports regulations; increasing payment threshold from the contractor recovery fund; amending Minnesota Statutes 2022, sections 326B.89, subdivision 5; 341.28, by adding a subdivision; 341.29; Minnesota Statutes 2023 Supplement, sections 341.25; 341.28, subdivision 5; 341.30, subdivision 4; 341.321; 341.33, by adding a subdivision; 341.355.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary and Public Safety.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator McEwen from the Committee on Labor, to which was re-referred**

**S.F. No. 3496:** A bill for an act relating to labor; providing compensation for minors appearing in Internet content creation; amending Minnesota Statutes 2022, section 181A.03, subdivision 1, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 181A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, before "A" insert "(a) Except as otherwise provided in this section,"

Page 2, line 13, delete the second "the" and insert "any"

Page 2, line 14, delete the third "the" and insert "a" and after "minor" insert "or, if more than one minor regularly appears in the creator's content, any of the minors,"

Page 2, after line 19, insert:

"(b) A minor under the age of 14 is prohibited from engaging in the work of content creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content creator, the minor shall receive 100 percent of the proceeds of the creator's compensation for the content they have appeared in, less any amount owed to another minor."

(c) A minor who is under the age of 18 and over the age of 14, may produce, create, and publish their own content and are entitled to all compensation for their own content creation. A minor engaged in the work of content creation as the producer, creator, and publisher of content must also follow the requirements in paragraph (b).

(d) A minor who appears incidentally in a video that depicts a public event that a reasonable person would know to be a broadcast, including a concert, competition, or sporting event, and is published by a content creator is not considered a violation of this section."

Page 4, line 20, after "minor" insert "14 years of age or over"

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Putnam from the Committee on Agriculture, Broadband, and Rural Development, to which were referred the following appointments:**

BOARD OF ANIMAL HEALTH

Peggy Hawkins  
Jessica Koppien-Fox  
Abigail Maynard  
Steve Neil  
Erica Sawatzke  
Brandon Schafer  
Alex Stade

Reports the same back with the recommendation that the appointments be confirmed.

Senator Murphy moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Hawj from the Committee on Environment, Climate, and Legacy, to which was referred**

**S.F. No. 5048:** A bill for an act relating to natural resources; facilitating carbon sequestration and oil and gas exploration and production leases on state-owned land; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2022, sections 92.50, subdivision 1; 93.25, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 92; 93.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2022, section 93.25, subdivision 1, is amended to read:

Subdivision 1. **Leases.** The commissioner may issue leases to prospect for, mine, and remove or extract gas, oil, and minerals other than iron ore ~~upon~~ from any lands owned by the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held in trust or otherwise, and lands otherwise acquired, and the beds of any waters belonging to the state. For purposes of this

section, iron ore means iron-bearing material where the primary product is iron metal. For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases.

Sec. 2. Minnesota Statutes 2022, section 93.25, subdivision 2, is amended to read:

Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals ~~or petroleum, gas, or oil~~ must be approved by the Executive Council, and any other mineral lease issued pursuant to this section that covers 160 or more acres must be approved by the Executive Council. The rents, royalties, terms, conditions, and covenants of all such leases ~~shall~~ must be fixed by the commissioner according to rules adopted by the commissioner, but no lease shall be for a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants ~~shall~~ must be fully set forth in each lease issued. No nonferrous metallic mineral lease shall be canceled by the state for failure to meet production requirements prior to the 36th year of the lease. The rents and royalties ~~shall~~ must be credited to the funds as provided in section 93.22. For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases.

Sec. 3. **[93.513] PROHIBITION ON PRODUCTION OF GAS OR OIL WITHOUT PERMIT.**

Except as provided in section 103I.681, a person must not engage in or carry out production of gas or oil from consolidated or unconsolidated formations in the state unless the person has first obtained a permit for the production of gas or oil from the commissioner of natural resources. Any permit under this section must be protective of natural resources and require a demonstration of control of the extraction area through ownership, lease, or agreement. For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases. For purposes of this section, "production" includes extraction and beneficiation of gas or oil.

Sec. 4. **[93.514] GAS AND OIL PRODUCTION RULEMAKING.**

(a) The following agencies may adopt rules governing gas and oil exploration or production, as applicable:

(1) the commissioner of the Pollution Control Agency may adopt or amend rules regulating air emissions; water discharges, including stormwater management; and storage tanks as it pertains to gas and oil production;

(2) the commissioner of health may adopt or amend rules on groundwater and surface water protection, exploratory boring construction, drilling registration and licensure, and inspections as it pertains to the exploration and appraisal of gas and oil resources;

(3) the Environmental Quality Board may adopt or amend rules to establish mandatory categories for environmental review as it pertains to gas and oil production; and

(4) the commissioner of natural resources must adopt or amend rules pertaining to the conversion of an exploratory boring to a production well, pooling, spacing, unitization, well abandonment, siting, financial assurance, and reclamation for the production of gas and oil.

(b) An agency adopting rules under this section must use the expedited procedure in section 14.389. Rules adopted or amended under this authority are exempt from the provisions of section

14.125. The agency must publish notice of intent to adopt expedited rules within 24 months of the effective date of this act.

(c) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases. "Production" includes extraction and beneficiation of gas or oil from consolidated or unconsolidated formations in the state.

(d) Any grant of rulemaking authority in this section is in addition to existing rulemaking authority and does not replace, impair, or interfere with any existing rulemaking authority.

**Sec. 5. [93.516] GAS AND OIL LEASING.**

Subdivision 1. **Authority to lease.** With the approval of the Executive Council, the commissioner of natural resources may enter into leases for gas or oil exploration and production from lands belonging to the state or in which the state has an interest. For purposes of this section, gas or oil exploration and production includes the exploration and production of both hydrocarbon and nonhydrocarbon gases. "Production" includes extraction and beneficiation of gas or oil from consolidated or unconsolidated formations in the state.

Subd. 2. **Application.** An application for a lease under this section must be submitted to the commissioner of natural resources. The commissioner must prescribe the information to be included in the application. The applicant must submit with the application a certified check, cashier's check, or bank money order payable to the Department of Natural Resources in the sum of \$100 as a fee for filing the application. The application fee must not be refunded under any circumstances. The right is reserved to the state to reject any or all applications for an oil or gas lease.

Subd. 3. **Lease terms.** (a) The commissioner must negotiate the terms of each lease entered into under this section on a case-by-case basis, taking into account the unique geological and environmental aspects of each proposal, control of adjacent lands, and the best interests of the state. A lease entered into under this section must be consistent with the following:

(1) the primary term of the lease may not exceed five years plus the unexpired portion of the calendar year in which the lease is issued. The commissioner and applicant may negotiate the conditions by which the lease may be extended beyond the primary term, in whole or in part;

(2) a bonus consideration of not less than \$15 per acre must be paid by the applicant to the Department of Natural Resources before the lease is executed;

(3) the commissioner of natural resources may require an applicant to provide financial assurance to ensure payment of any damages resulting from the production of gas or oil;

(4) the rental rates must not be less than \$5 per acre per year for the unexpired portion of the calendar year in which the lease is issued and in years thereafter; and

(5) on gas and oil produced and sold by the lessee from the lease area, the lessee must pay a production royalty to the Department of Natural Resources of not less than 18.75 percent of the gross sales price of the product sold free on board at the delivery point, and the royalty must be credited as provided in section 93.22. For purposes of this section, "gross sales price" means the

total consideration paid by the first purchaser that is not an affiliate of the lessee for gas or oil produced from the leased premises.

Sec. 6. **GAS PRODUCTION TECHNICAL ADVISORY COMMITTEE.**

(a) The commissioner of natural resources must appoint a Gas Production Technical Advisory Committee to develop recommendations according to paragraph (c). The commissioner may appoint representatives from the following entities to the technical advisory committee:

- (1) the Pollution Control Agency;
- (2) the Environmental Quality Board;
- (3) the Department of Health;
- (4) the Department of Revenue;
- (5) the University of Minnesota; and
- (6) federal agencies.

(b) A majority of the committee members must be from state agencies, and all members must have expertise in at least one of the following areas: environmental review; air quality; water quality; taxation; mine permitting; mineral, gas, or oil exploration and development; well construction; or other areas related to gas or oil production.

(c) The technical advisory committee must make recommendations to the commissioner relating to the production of gas and oil in the state to guide the creation of a temporary regulatory framework that will govern permitting before the rules authorized in Minnesota Statutes, section 93.514, are adopted. The temporary framework must include recommendations on statutory and policy changes that govern permitting requirements and processes, financial assurance, taxation, boring monitoring and inspection protocols, environmental review, and other topics that provide for gas and oil production to be conducted in a manner that will reduce environmental impacts to the extent practicable, mitigate unavoidable impacts, and ensure that the production area is left in a condition that protects natural resources and minimizes the need for maintenance. The temporary framework must consider input from stakeholders and Tribes. Recommendations must include draft legislative language.

(d) By January 15, 2025, the commissioner must submit to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment recommendations for statutory and policy changes to facilitate gas and oil exploration and production in this state to support the issuance of temporary permits in a manner that benefits the people of Minnesota while adequately protecting the state's natural resources.

(e) For purposes of this section, "gas" includes both hydrocarbon and nonhydrocarbon gases. For purposes of this section, "production" includes extraction and beneficiation from consolidated or unconsolidated formations in the state.

Sec. 7. **REPORT ON GEOLOGIC CARBON SEQUESTRATION.**

(a) The commissioner of natural resources must prepare a report on geologic carbon sequestration within the state to guide future decision-making and legislation that will assist in achieving goals for carbon neutrality by 2050 as established in Minnesota's Climate Action Framework. The report must identify geologic carbon sequestration opportunities and include recommendations on statutory and policy changes that govern any geologic carbon sequestration activity while benefiting the people of Minnesota and adequately protecting the state's natural resources.

(b) The commissioner of natural resources must appoint a Geologic Carbon Sequestration Technical Advisory Committee to advise on the preparation of the report required by paragraph (a). The commissioner may appoint representatives from the following entities to the technical advisory committee:

- (1) the Pollution Control Agency;
- (2) the Environmental Quality Board;
- (3) the Department of Health;
- (4) the Department of Revenue;
- (5) the University of Minnesota; and
- (6) federal agencies.

(c) A majority of the committee members must be from state agencies and all members must have expertise in at least one of the following areas: geology, hydrogeology, mineralogy, air emissions, well and boring construction and monitoring, direct air capture technology, mineral carbonization, Underground Injection Control class VI permitting and primacy programming, environmental review, property law, and taxation. The committee must hold a meeting to gather and consider input from industry, environmental groups, other stakeholders, and Tribes.

(d) By January 15, 2025, the commissioner must submit the report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment. The report must include recommendations for draft legislative language.

**Sec. 8. APPROPRIATIONS; NONPETROLEUM GAS REGULATORY FRAMEWORK.**

(a) \$750,000 in fiscal year 2024 is appropriated from the minerals management account in the natural resources fund to the commissioner of natural resources for the Gas Production Technical Advisory Committee in section 6 of this act. This is a onetime appropriation and is available until spent.

(b) \$1,252,800 in fiscal year 2024 is appropriated from the minerals management account in the natural resources fund to the commissioner of natural resources to adopt a regulatory framework for gas and oil production in Minnesota and for rulemaking and is available until spent. The base amount for this appropriation is \$0 in fiscal year 2027 and thereafter.

**Sec. 9. APPROPRIATION; LEGISLATIVE REPORT ON GEOLOGIC CARBON SEQUESTRATION.**

(c) \$300,000 in fiscal year 2024 is appropriated from the minerals management account in the natural resources fund to the commissioner of natural resources to develop a geologic carbon sequestration report and chair the Geologic Carbon Sequestration Technical Advisory Committee in section 7 of this act. This is a onetime appropriation and is available until spent.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 9 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; facilitating oil and gas exploration and production leases on state-owned land; authorizing rulemaking; developing recommendations to the legislature for gas and oil regulatory framework; requiring a report on geologic carbon sequestration within the state; appropriating money; amending Minnesota Statutes 2022, section 93.25, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 93."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government and Veterans.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dziezic from the Committee on State and Local Government and Veterans, to which was re-referred**

**S.F. No. 2915:** A bill for an act relating to consumer data privacy; giving various rights to consumers regarding personal data; placing obligations on certain businesses regarding consumer data; providing for enforcement by the attorney general; proposing coding for new law in Minnesota Statutes, chapter 13; proposing coding for new law as Minnesota Statutes, chapter 325O.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 12, delete "or"

Page 7, after line 15, insert:

"(iii) maintained by, or maintained to comply with the rules or orders of, a self-regulatory organization as defined by United States Code, title 15, section 78c(a)(26); or

(iv) originated from, or intermingled with, information described in clause (9) and that a licensed residential mortgage originator or residential mortgage servicer as defined by chapter 58, collects, processes, uses, or maintains in the same manner as required under the laws and regulations specified in clause (9);"

Page 12, line 8, after the comma, insert "taking into account the nature of the personal data and the purposes of the processing of the personal data,"

Page 12, line 24, after "data" insert "for purposes of targeted advertising and sale"

Page 13, line 6, after "any" insert "such"

Page 13, line 13, after the period, insert "For purposes of this paragraph, the use of an Internet protocol address to estimate the consumer's location is sufficient to determine the consumer's residence."

Page 15, line 29, delete everything after the period

Page 15, delete lines 30 and 31

Page 16, delete lines 1 and 2

Page 16, line 4, after "must" insert "provide a written explanation of the reasons for the controller's decision and"

Page 17, line 31, after "of" insert "such"

Page 19, line 26, after "law" insert "or permitted under section 325O.09"

Page 21, line 10, delete "from their inception"

Page 21, line 20, after "law" insert "or permitted under section 325O.09"

Page 22, line 29, after "assessments" insert "or risk assessments"

Page 24, delete line 17

Page 24, line 18, delete everything before the semicolon

Page 26, line 16, delete everything after "Education"

Page 26, line 17, delete "chapter 317A,"

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dziedzic from the Committee on State and Local Government and Veterans, to which was re-referred**

**S.F. No. 4597:** A bill for an act relating to labor; amending the definition of public employee; modifying bargaining units for university of Minnesota employees; amending Minnesota Statutes 2022, section 179A.11, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 24, after the first period, insert "The listed units include, but are not limited to, the positions described. A position may be added to a unit if the commissioner makes a determination under section 179A.09 that the unit is appropriate for the position."



Page 5, line 5, delete everything after the comma and insert "an "instructional employee" is an individual who spends"

Page 5, line 12, delete the new language and insert "The listed ranks do not coincide with the ranks that are categorized by the University of Minnesota as professionals in training, even though in some cases the job titles may be the same."

Page 5, delete line 13

Page 5, delete lines 23 to 26 and insert "(b) An employee of the University of Minnesota whose position is not enumerated in paragraph (a) may petition the commissioner to determine an appropriate unit for the position. The commissioner must make a determination for an appropriate unit as provided in section 179A.09 and the commissioner must give special weight to the desires of the petitioning employee or representatives of the petitioning employee."

Page 6, line 23, after "agreement" insert "of the exclusive representatives"

And when so amended the bill do pass and be re-referred to the Committee on Labor.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dziezic from the Committee on State and Local Government and Veterans, to which was re-referred**

**S.F. No. 4782:** A bill for an act relating to state government; modifying cannabis provisions; appropriating money; amending Minnesota Statutes 2022, section 18K.03, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 3.9224; 151.72, subdivisions 1, 2, 4, 5a, 5b, 6, 7; 256B.0625, subdivision 13d; 290.0132, subdivision 29; 290.0134, subdivision 19; 295.81, subdivisions 1, 4; 297A.67, subdivision 2; 297A.70, subdivision 2; 342.01, subdivisions 3, 4, 12, 14, 16, 17, 19, 20, 48, 64, 65, 66, by adding a subdivision; 342.02, subdivisions 2, 3, 5, 6; 342.07, subdivision 3; 342.09, subdivisions 1, 3; 342.10; 342.11; 342.12; 342.13; 342.14; 342.15, subdivisions 1, 2, by adding a subdivision; 342.17; 342.18, subdivision 3, by adding subdivisions; 342.19, subdivisions 1, 3, 4, 5; 342.22; 342.24, subdivisions 1, 2; 342.28, subdivision 2, by adding a subdivision; 342.29, subdivisions 1, 4; 342.30, subdivision 4; 342.31, subdivision 4; 342.32, subdivision 4; 342.35, subdivision 1; 342.37, subdivision 1; 342.40, subdivision 7; 342.41, subdivisions 1, 3; 342.51; 342.515; 342.52, subdivisions 1, 2, 3, 4, 5, 9, 11; 342.53; 342.54; 342.55, subdivisions 1, 2; 342.56, subdivisions 1, 2; 342.57, subdivisions 1, 2, 3, 4, 5, 6, 7; 342.58; 342.60; 342.61, subdivisions 4, 5; 342.63, subdivisions 2, 3, 4, 6; Laws 2023, chapter 63, article 1, sections 2; 51; 52; 53; 54; 55; 56; 57; 58; 59; 61; article 6, section 73; proposing coding for new law in Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2023 Supplement, sections 342.01, subdivisions 28, 52, 53, 54, 55; 342.18, subdivision 1; 342.27, subdivision 13; 342.29, subdivision 9; 342.47; 342.48; 342.49; 342.50; 342.52, subdivision 8; Laws 2023, chapter 63, article 7, sections 4; 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 15, delete "the" and insert "a"

Page 20, line 8, delete "(s)" and insert "(p)"

Page 21, line 14, before "by" insert "if provided"

Page 28, line 19, delete "the day following final enactment" and insert "July 1, 2024"

Page 37, line 21, after "342.17" insert "or a local unit of government"

Page 38, line 27, before "applicants" insert "social equity"

Page 38, line 29, before "applicant" insert "social equity"

Page 38, line 31, before the first "applicant" insert "social equity"

Page 39, lines 2 and 3, before "applicant" insert "social equity"

Page 39, after line 3, insert:

"Subd. 5. **Local unit of government.** The office shall only issue a temporary license to a local unit of government if, after assigning temporary licenses to social equity applicants, there are remaining temporary licenses. A temporary license held by a local unit of government must not count towards the limited number of licenses issued by a local government unit under section 342.13, paragraph (h)."

Renumber the subdivisions in sequence

Page 52, line 22, before "cannabis" insert "any"

Page 52, lines 23, 27, and 31, delete "a"

Page 95, line 17, delete "powers and duties of" and insert "powers, duties, rights, obligations, and other authority imposed by law on"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.

**Senator Dzierdzic from the Committee on State and Local Government and Veterans, to which was re-referred**

**S.F. No. 4861:** A bill for an act relating to health; modifying reporting requirements for 340B covered entities; requiring reports to the legislature; amending Minnesota Statutes 2023 Supplement, section 62J.84, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 2023 Supplement, section 62J.312, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 14, delete "until December 31, 2024,"

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dziedzic from the Committee on State and Local Government and Veterans, to which was referred**

**S.F. No. 4874:** A bill for an act relating to cybersecurity; requiring reporting of cybersecurity incidents impacting public-sector organizations in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 16E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"(b) "Bureau" means the Bureau of Criminal Apprehension."

Reletter the paragraphs in sequence

Page 1, line 9, delete "actions" and insert "an action"

Page 1, line 10, delete "result" and insert "results"

Page 2, line 28, after the period, insert "The term information technology also has the meaning described to information and telecommunications technology systems and services in section 16E.03, subdivision 1, paragraph (b)."

Page 2, delete lines 29 to 31

Page 3, line 5, delete "and"

Page 3, line 6, before the period, insert ", and public postsecondary education institutions"

Page 3, after line 6, insert:

"(l) "Superintendent" means the superintendent of the Bureau of Criminal Apprehension."

Page 3, delete subdivision 2 and insert:

"Subd. 2. **Report on cybersecurity incidents.** (a) Beginning December 1, 2024, the head of or the decision making body for a public agency must report a cybersecurity incident that impacts the public agency to the commissioner. A government contractor or vendor that provides goods or services to a public agency must report a cybersecurity incident to the public agency if the incident impacts the public agency.

(b) The report must be made within 72 hours of when the public agency or government contractor reasonably identifies or believes that a cybersecurity incident has occurred.

(c) The commissioner must coordinate with the superintendent to promptly share reported cybersecurity incidents.

(d) By September 30, 2024, the commissioner, in coordination with the superintendent, must establish a cyber incident reporting system having capabilities to facilitate submission of timely, secure, and confidential cybersecurity incident notifications from public agencies, government contractors, and private entities to the office.

(e) By September 30, 2024, the commissioner must develop, in coordination with the superintendent, and prominently post instructions for submitting cybersecurity incident reports on the websites for the department and for the bureau. The instructions must include, at a minimum, the types of cybersecurity incidents to be reported and a list of other information to be included in the report made through the cyber incident reporting system.

(f) The cyber incident reporting system must permit the commissioner, in coordination with the superintendent, to:

(1) securely accept a cybersecurity incident notification from any individual or private entity, regardless of whether the entity is a public agency or government contractor;

(2) track and identify trends in cybersecurity incidents reported through the cyber incident reporting system; and

(3) produce reports on the types of incidents, cyber threat, indicators, defensive measures, and entities reported through the cyber incident reporting system.

(g) Any cybersecurity incident report submitted to the commissioner is security information pursuant to section 13.37 and is not discoverable in a civil or criminal action absent a court or a search warrant, and is not subject to subpoena.

(h) Notwithstanding the provisions of paragraph (g), the commissioner may anonymize and share cyber threat indicators and relevant defensive measures to help prevent attacks and share cybersecurity incident notifications with potentially impacted parties through cybersecurity threat bulletins or relevant law enforcement authorities.

(i) Information submitted to the commissioner through the cyber incident reporting system shall be subject to privacy and protection procedures developed and implemented by the office, which shall be based on the comparable privacy protection procedures developed for information received and shared pursuant to the federal Cybersecurity Information Sharing Act of 2015, United States Code, title 6, section 1501, et seq."

Page 4, delete subdivision 3 and insert:

"Subd. 3. **Annual report to the governor and legislature.** Beginning January 31, 2026, and annually thereafter, the commissioner, in coordination with the superintendent, must submit a report on its cyber security incident report collection and resolution activities to the governor and to the legislative commission on cybersecurity. The report must include, at a minimum:

(1) information on the number of notifications received and a description of the cybersecurity incident types during the one-year period preceding the publication of the report;

(2) the categories of reporting entities that submitted cybersecurity reports; and

(3) any other information required in the submission of a cybersecurity incident report, noting any changes from the report published in the previous year."

Page 4, delete line 25

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Dziezic from the Committee on State and Local Government and Veterans, to which was referred**

**S.F. No. 5244:** A bill for an act relating to civil law; establishing a task force on guardianship; providing appointments; requiring a report.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 14, insert:

"(15) one employee of the Center for Health Equity, Disability Systems Planner, at the Minnesota Department of Health, appointed by the commissioner;"

Renumber the clauses in sequence

Page 2, line 15, delete everything after "Council" and insert a semicolon

Page 2, delete line 16

Page 2, line 28, delete "executive"

Page 3, line 7, after "convened" insert "by the chair"

Page 3, line 21, delete "exploring" and insert "establishing"

Page 4, line 11, delete "December 31, 2026" and insert "January 15, 2027"

Page 4, line 15, delete "June 1," and insert "January 16, 2027, whichever is earlier."

Page 4, delete line 16

Page 4, delete subdivision 7

Page 4, after line 20, insert:

"Sec. 2. **APPROPRIATION.**

\$..... in fiscal year 2025 is appropriated from the general fund to the Minnesota Council on Disability to administer the Legislative Task Force on Guardianship. This is a onetime appropriation and is available until June 30, 2027."

Amend the title as follows:

Page 1, line 3, after "report" insert "; appropriating money"

And when so amended the bill do pass and be re-referred to the Committee on Human Services.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 4307, 4936, and 4745 were read the second time.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

#### **Senator Draheim introduced--**

**S.F. No. 5336:** A bill for an act relating to gaming; expanding authorized card games to include the game of hasenpfeffer; amending Minnesota Statutes 2022, section 609.761, subdivision 3.

Referred to the Committee on State and Local Government and Veterans.

#### **Senator Latz introduced--**

**S.F. No. 5337:** A bill for an act relating to public safety; providing for funding and related policy changes to the Department of Public Safety, Department of Corrections, and the Clemency Review Commission; appropriating money; amending Minnesota Statutes 2022, sections 299A.73, subdivision 4; 609.02, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 244.41, subdivisions 6, 14, by adding a subdivision; 244.46, subdivisions 1, 2; 299A.49, subdivisions 8, 9; 401.10, subdivision 1; 609A.06, subdivision 2; 638.09, subdivision 5; Laws 2023, chapter 52, article 2, sections 3, subdivision 5; 6, subdivisions 1, 4; article 8, section 20, subdivision 3; Laws 2023, chapter 63, article 5, section 5.

Referred to the Committee on Judiciary and Public Safety.

#### **Senator Latz introduced--**

**S.F. No. 5338:** A bill for an act relating to civil law; providing an attorney adviser or guardian ad litem in settlement agreements for cases where a party has a brain injury; requiring a study of the 2022 structure settlement laws and a report to the legislature; proposing coding for new law in Minnesota Statutes, chapter 549.

Referred to the Committee on Judiciary and Public Safety.

#### **Senator Wesenberg introduced--**

**S.F. No. 5339:** A bill for an act relating to taxation; sales and use; providing a refundable exemption for certain construction materials for a Benton County government center.

Referred to the Committee on Taxes.

**Senator Champion introduced--**

**S.F. No. 5340:** A bill for an act relating to capital investment; appropriating money for a new Neighborhood HealthSource clinic in North Minneapolis.

Referred to the Committee on Capital Investment.

**Senator Lucero introduced--**

**S.F. No. 5341:** A bill for an act relating to consumer protection; requiring certain publicly funded stadiums to accept cash payments for goods and services; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Lucero introduced--**

**S.F. No. 5342:** A bill for an act relating to taxation; property; limiting valuation increases for certain homestead property; amending Minnesota Statutes 2022, section 273.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes.

**Senators Lucero and Gruenhagen introduced--**

**S.F. No. 5343:** A bill for an act relating to education; prohibiting instructional materials with sexually explicit images; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education Policy.

**Senator Eichorn introduced--**

**S.F. No. 5344:** A bill for an act relating to capital investment; appropriating money for the reconstruction of 1st Street North and associated improvements in the city of Crosby; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Eichorn introduced--**

**S.F. No. 5345:** A bill for an act relating to health; establishing a right of patients and residents to have a support person present when receiving health care services; establishing a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

**Senator Drazkowski introduced--**

**S.F. No. 5346:** A bill for an act relating to capital investment; transportation; appropriating money for the realignment of Trunk Highway 60 and local infrastructure related thereto in the city of Wabasha; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Rest introduced--**

**S.F. No. 5347:** A bill for an act relating to taxation; taxpayer assistance and outreach grants; requiring the Department of Revenue to make taxpayer assistance and outreach grants; appropriating money; amending Minnesota Statutes 2022, section 270C.21.

Referred to the Committee on Taxes.

**Senator Rest introduced--**

**S.F. No. 5348:** A bill for an act relating to motor vehicle insurance; raising liability and uninsured and underinsured motorist coverage amounts; requiring motorcycle insurance to include uninsured and underinsured coverage; amending Minnesota Statutes 2022, sections 65B.48, subdivision 5; 65B.49, subdivisions 3, 3a.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Johnson introduced--**

**S.F. No. 5349:** A bill for an act relating to capital investment; appropriating money for underground water storage tanks in the city of Kennedy; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Johnson introduced--**

**S.F. No. 5350:** A bill for an act relating to capital investment; appropriating money for the Karlstad airport relocation; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Utke, Hoffman, and Abeler introduced--**

**S.F. No. 5351:** A bill for an act relating to human services; requiring certain actions prior to implementing a new rate setting, reimbursement, and reconciliation process for targeted case management; appropriating money.

Referred to the Committee on Health and Human Services.



**Senator Latz introduced--**

**S.F. No. 5352:** A bill for an act relating to public safety; expanding the DWI implied consent test advisory; amending Minnesota Statutes 2022, sections 97B.066, subdivision 3; 171.177, subdivision 1; 360.0753, subdivision 2; 624.7143, subdivision 3; Minnesota Statutes 2023 Supplement, section 169A.51, subdivision 4.

Referred to the Committee on Judiciary and Public Safety.

**Senators Dibble and Jasinski introduced--**

**S.F. No. 5353:** A bill for an act relating to transportation; taxation; modifying county requirements related to the county transportation sales and use tax; allowing for deduction to sales tax proceeds; amending Minnesota Statutes 2022, sections 297A.99, subdivision 11; 297A.993, subdivision 3; Minnesota Statutes 2023 Supplement, section 297A.993, subdivision 2a.

Referred to the Committee on Transportation.

**Senators Dziedzic, Klein, and Murphy introduced--**

**S.F. No. 5354:** A bill for an act relating to horse racing; providing for the conduct of advance deposit wagering, card playing, and pari-mutuel betting; providing definitions; making clarifying and conforming changes; amending Minnesota Statutes 2022, sections 240.01, subdivisions 1c, 5, 8, 14, by adding subdivisions; 240.30, subdivision 8.

Referred to the Committee on State and Local Government and Veterans.

**Senator Morrison introduced--**

**S.F. No. 5355:** A bill for an act relating to agriculture; establishing clean water, climate-smart, and soil-healthy farming goals; creating a pilot program to provide financial incentives for certain farming practices in southeastern Minnesota; extending a fertilizer fee; requiring data collection; classifying data; requiring a report; appropriating money; amending Minnesota Statutes 2022, section 13.643, by adding a subdivision; Minnesota Statutes 2023 Supplement, section 18C.425, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 103C.

Referred to the Committee on Agriculture, Broadband, and Rural Development.

**Senator Putnam introduced--**

**S.F. No. 5356:** A bill for an act relating to workforce development; appropriating money for the purchase and operation of an online early childhood development professional educator program.

Referred to the Committee on Health and Human Services.

**Senators Abeler and Hoffman introduced--**

**S.F. No. 5357:** A bill for an act relating to human services; appropriating funds to support an organization that serves artists who have intellectual and other disabilities; appropriating money.

Referred to the Committee on Human Services.

**Senator Green introduced--**

**S.F. No. 5358:** A bill for an act relating to capital investment; appropriating money for a sanitary sewer collection and treatment system in Beltrami County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Cwodzinski introduced--**

**S.F. No. 5359:** A bill for an act relating to capital investment; appropriating money for the Opus Public Space project in the city of Minnetonka; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Cwodzinski, Murphy, and Marty introduced--**

**S.F. No. 5360:** A memorial resolution requesting the Joint Committee on the Library of Congress of the United States Congress to approve replacement of the statue of Henry Mower Rice now on display in National Statuary Hall in the Capitol of the United States.

Referred to the Committee on State and Local Government and Veterans.

**Senators Cwodzinski, Murphy, and Marty introduced--**

**S.F. No. 5361:** A bill for an act relating to capital investment; appropriating money for the erection of a new statue in the Statutory Hall in the United States Capitol.

Referred to the Committee on Capital Investment.

**Senator Boldon introduced--**

**S.F. No. 5362:** A bill for an act relating to capital investment; appropriating money for Historic Bridge Square and Riverside Park in the city of Northfield; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Boldon introduced--**

**S.F. No. 5363:** A bill for an act relating to child care licensing; modifying first aid and CPR training requirements for family child care providers; amending Minnesota Statutes 2023 Supplement, section 245A.50, subdivisions 3, 4.

Referred to the Committee on Health and Human Services.

**Senator Kupec introduced--**

**S.F. No. 5364:** A bill for an act relating to agriculture; appropriating money for county agricultural inspector grants.

Referred to the Committee on Agriculture, Broadband, and Rural Development.

**Senator Putnam introduced--**

**S.F. No. 5365:** A bill for an act relating to agriculture; modifying agriculture provisions; appropriating money; amending Minnesota Statutes 2022, sections 18C.70, subdivision 5; 18C.71, subdivision 4; 18C.80, subdivision 2; 31.94; 32D.30; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; 41B.047, subdivision 1; Minnesota Statutes 2023 Supplement, sections 18C.425, subdivision 6; 18K.06; 41B.0391, subdivision 1; Laws 2023, chapter 43, article 1, section 2.

Referred to the Committee on Agriculture, Broadband, and Rural Development.

**Senator Putnam introduced--**

**S.F. No. 5366:** A bill for an act relating to broadband; making supplemental appropriations and transfers relating to broadband; amending Minnesota Statutes 2022, section 116J.396, by adding a subdivision.

Referred to the Committee on Agriculture, Broadband, and Rural Development.

**Senator Hoffman introduced--**

**S.F. No. 5367:** A bill for an act relating to human services; appropriating money for a grant to Red Lake Nation for human services administration and implementation.

Referred to the Committee on Health and Human Services.

**Senators Dibble and Mohamed introduced--**

**S.F. No. 5368:** A bill for an act relating to economic development; appropriating money for a grant for mental health services for the East African community.

Referred to the Committee on Jobs and Economic Development.

**Senators Housley, Limmer, Kreun, Lucero, and Draheim introduced--**

**S.F. No. 5369:** A bill for an act relating to taxation; sales and use; providing a refundable construction exemption for construction of new residential housing for first-time homebuyers; amending Minnesota Statutes 2022, sections 297A.71, by adding a subdivision; 297A.75, subdivisions 1, 2.

Referred to the Committee on Taxes.

**Senator Farnsworth introduced--**

**S.F. No. 5370:** A bill for an act relating to juvenile delinquency; authorizing use of adult facilities, programs, and sanctions for certain extended jurisdiction juveniles; authorizing a continuance of more than 180 days for juveniles who admit or are proven to have committed certain acts; amending Minnesota Statutes 2022, sections 260B.130, subdivision 5, by adding a subdivision; 260B.198, subdivision 7.

Referred to the Committee on Judiciary and Public Safety.

**Senator Farnsworth introduced--**

**S.F. No. 5371:** A bill for an act relating to child care licensing; amending family child care capacity limits.

Referred to the Committee on Health and Human Services.

**Senator Farnsworth introduced--**

**S.F. No. 5372:** A bill for an act relating to child care licensing; modifying the CPR training requirement for child care centers; amending Minnesota Statutes 2022, section 245A.40, subdivision 4.

Referred to the Committee on Health and Human Services.

**Senator Lang introduced--**

**S.F. No. 5373:** A bill for an act relating to transportation; establishing waterfowl critical habitat special license plates; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

**Senator Mohamed introduced--**

**S.F. No. 5374:** A bill for an act relating to workforce development; appropriating money for a grant to the Somali Chamber of Commerce.

Referred to the Committee on Jobs and Economic Development.

**Senator Mohamed introduced--**

**S.F. No. 5375:** A bill for an act relating to workforce development; appropriating money for a grant to ACEDONE for workforce development.

Referred to the Committee on Jobs and Economic Development.

**Senators Anderson, Abeler, Eichorn, and Howe introduced--**

**S.F. No. 5376:** A bill for an act relating to civil law; regulating the use of parenting consultants in family court cases; amending Minnesota Statutes 2022, section 518.1751, subdivision 4, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

**Senator Hawj introduced--**

**S.F. No. 5377:** A bill for an act relating to economic development; extending the availability of a 2023 appropriation for a grant to the Asian Economic Development Association; amending Laws 2023, chapter 53, article 20, section 2, subdivision 2.

Referred to the Committee on Jobs and Economic Development.

**Senators Latz and Klein introduced--**

**S.F. No. 5378:** A bill for an act relating to commerce; prohibiting restaurant surcharges over five percent; requiring disclosure of a surcharge; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Farnsworth introduced--**

**S.F. No. 5379:** A bill for an act relating to capital investment; modifying a prior appropriation for a capital project in the city of Chisholm; amending Laws 2023, chapter 71, article 1, section 14, subdivision 13.

Referred to the Committee on Capital Investment.

**Senators Morrison, McEwen, and Abeler introduced--**

**S.F. No. 5380:** A bill for an act relating to education; modifying lead in school drinking water requirements; establishing an account in the special revenue fund; appropriating money; amending Minnesota Statutes 2023 Supplement, section 121A.335, subdivisions 1, 2, 3, 5, by adding subdivisions; repealing Minnesota Statutes 2023 Supplement, section 121A.335, subdivision 6.

Referred to the Committee on Education Finance.

**Senators Mohamed, Dziedzic, and Abeler introduced--**

**S.F. No. 5381:** A bill for an act relating to workforce development and higher education; establishing the Center for Nursing Equity and Excellence at the University of Minnesota; appropriating money for the Center for Nursing Equity and Excellence at the University of Minnesota; requiring a report.

Referred to the Committee on Jobs and Economic Development.

**Senator Rest introduced--**

**S.F. No. 5382:** A bill for an act relating to public safety; requiring recipients of 2023 public safety aid to report on the use of that aid; requiring the commissioner of public safety to submit compiled data to the legislature; amending Laws 2023, chapter 64, article 4, section 27, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety.

**Senator Rest introduced--**

**S.F. No. 5383:** A bill for an act relating to capital investment; appropriating money for a secured perimeter at the Vikings stadium; authorizing the sale and issuance of appropriation bonds; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Capital Investment.

**Senators Boldon, Mohamed, Fateh, and McEwen introduced--**

**S.F. No. 5384:** A bill for an act relating to local government; requiring cities and counties to create policies regarding homeless encampments; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on State and Local Government and Veterans.

**Senator Wiklund introduced--**

**S.F. No. 5385:** A bill for an act relating to human services; the governor's budget bill for health and human services; modifying provisions related to health care, child welfare, child care licensing, the Department of Health, and the Department of Children, Youth, and Families; making technical changes to health and human services law; adjusting appropriations for forecasted programs; imposing certain penalties; appropriating money; amending Minnesota Statutes 2022, sections 62D.14, subdivision 1; 144.05, subdivision 6; 144.1501, subdivision 5; 144A.70, subdivisions 3, 5, 6, 7; 144A.71, subdivision 2, by adding a subdivision; 144A.72, subdivision 1; 144A.73; 245.975, subdivisions 2, 4, 9; 245A.07, subdivision 6; 245A.10, subdivisions 1, as amended, 2, as amended; 245A.144; 245A.175; 256.029, as amended; 260C.007, subdivisions 5, 6, by adding subdivisions; 260C.212, subdivision 13; 260E.03, by adding a subdivision; 260E.14, subdivision 3; 260E.36, subdivision 1a; Minnesota Statutes 2023 Supplement, sections 144.1501, subdivision 2; 144.1505, subdivision 2; 145.561, subdivision 4; 245A.16, subdivision 1, as amended; 245A.66, subdivision 4, as amended; 256.4793, subdivision 3; 256.4794, subdivision 3; 256B.0622, subdivision 8; 256B.0947, subdivision 7; 256M.42, by adding a subdivision; 260.014, by adding a subdivision; 260.761, subdivision 2; 260.762, subdivision 2; 260E.02, subdivision 1, as amended; 260E.03, subdivisions 15a, 15b, 22; 260E.14, subdivision 5; 260E.17, subdivision 1; 260E.18; 260E.20, subdivision 2; 260E.24, subdivisions 2, 7; 260E.33, subdivision 1; 260E.35, subdivision 6; 518A.42, subdivision 3; Laws 2023, chapter 22, section 4, subdivision 2; Laws 2023, chapter 70, article 12, section 30, subdivisions 2, 3; article 14, section 42, by adding a subdivision; article 20, sections 2, subdivisions 5, 24, 29; 3, subdivisions 2, 3; 12, as amended; 23; Laws 2023, chapter 75, section 10; Laws 2024, chapter 80, article 1, sections 34, subdivision 2; 96; article 2, sections 5, subdivision

21; 7, subdivision 2; 10, subdivision 6; 16, subdivision 1; 30, subdivision 2; 31; 74; article 4, section 26; article 6, section 4; article 7, section 4; proposing coding for new law in Minnesota Statutes, chapters 103I; 142A; 144A; proposing coding for new law as Minnesota Statutes, chapter 142B; repealing Minnesota Statutes 2022, sections 245.975, subdivision 8; 245A.065; Minnesota Statutes 2023 Supplement, section 144.0528; Laws 2023, chapter 25, section 190, subdivision 10; Laws 2023, chapter 70, article 20, section 2, subdivision 31, as amended; Laws 2024, chapter 80, article 2, sections 1, subdivision 11; 3, subdivision 3; 4, subdivision 4; 10, subdivision 4; 33; 69; Minnesota Rules, part 9545.0845.

Referred to the Committee on Health and Human Services.

**Senator Wiklund introduced--**

**S.F. No. 5386:** A bill for an act relating to early childhood; the governor's budget bill for early childhood programs; modifying provisions related to child welfare and child care licensing; making technical changes to early childhood law; updating the Department of Children, Youth, and Families recodification; appropriating money; amending Minnesota Statutes 2022, sections 245.975, subdivisions 2, 4, 9; 245A.07, subdivision 6; 245A.10, subdivisions 1, as amended, 2, as amended; 245A.144; 245A.175; 256.029, as amended; 260C.007, subdivisions 5, 6, by adding subdivisions; 260C.212, subdivision 13; 260E.03, by adding a subdivision; 260E.14, subdivision 3; 260E.36, subdivision 1a; Minnesota Statutes 2023 Supplement, sections 245A.16, subdivision 1, as amended; 245A.66, subdivision 4, as amended; 256M.42, by adding a subdivision; 260.761, subdivision 2; 260.762, subdivision 2; 260E.02, subdivision 1; 260E.03, subdivisions 15a, 15b, 22; 260E.14, subdivision 5; 260E.17, subdivision 1; 260E.18; 260E.20, subdivision 2; 260E.24, subdivisions 2, 7; 260E.33, subdivision 1; 260E.35, subdivision 6; Laws 2023, chapter 70, article 12, section 30, subdivisions 2, 3; article 20, sections 2, subdivision 24; 23; Laws 2024, chapter 80, article 1, sections 34, subdivision 2; 96; article 2, sections 5, subdivision 21; 7, subdivision 2; 10, subdivision 6; 16, subdivision 1; 30, subdivision 2; 31; 74; article 4, section 26; article 6, section 4; article 7, section 4; proposing coding for new law in Minnesota Statutes, chapter 142A; proposing coding for new law as Minnesota Statutes, chapter 142B; repealing Minnesota Statutes 2022, sections 245.975, subdivision 8; 245A.065; Laws 2024, chapter 80, article 2, sections 1, subdivision 11; 3, subdivision 3; 4, subdivision 4; 10, subdivision 4; 33; 69; Minnesota Rules, part 9545.0845.

Referred to the Committee on Health and Human Services.

**Senator Wiklund introduced--**

**S.F. No. 5387:** A bill for an act relating to health; establishing an Office of Emergency Medical Services to replace the Emergency Medical Services Regulatory Board; specifying duties for the office; transferring duties; establishing an advisory council; establishing alternative EMS response model pilot program; establishing emergency ambulance service aid; making conforming changes; requiring a report; appropriating money; amending Minnesota Statutes 2022, sections 62J.49, subdivision 1; 144E.001, by adding subdivisions; 144E.16, subdivision 5; 144E.19, subdivision 3; 144E.27, subdivision 5; 144E.28, subdivisions 5, 6; 144E.285, subdivision 6; 144E.287; 144E.305, subdivision 3; 214.025; 214.04, subdivision 2a; 214.29; 214.31; 214.355; Minnesota Statutes 2023 Supplement, sections 15A.0815, subdivision 2; 43A.08, subdivision 1a; 152.126, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 144E; repealing Minnesota Statutes

2022, sections 144E.001, subdivision 5; 144E.01; 144E.123, subdivision 5; 144E.50, subdivision 3.

Referred to the Committee on Health and Human Services.

### **MOTIONS AND RESOLUTIONS**

Senator Gustafson moved that the name of Senator Maye Quade be added as a co-author to S.F. No. 3370. The motion prevailed.

Senator Gustafson moved that the name of Senator Maye Quade be added as a co-author to S.F. No. 3449. The motion prevailed.

Senator Pappas moved that the name of Senator Pha be added as a co-author to S.F. No. 3483. The motion prevailed.

Senator Maye Quade moved that the name of Senator Boldon be added as a co-author to S.F. No. 3496. The motion prevailed.

Senator Gustafson moved that the names of Senators Westlin, Maye Quade, and Mitchell be added as co-authors to S.F. No. 3530. The motion prevailed.

Senator Fateh moved that the name of Senator Pha be added as a co-author to S.F. No. 3571. The motion prevailed.

Senator Abeler moved that the name of Senator Pha be added as a co-author to S.F. No. 3634. The motion prevailed.

Senator Marty moved that the name of Senator Pha be added as a co-author to S.F. No. 3637. The motion prevailed.

Senator Pappas moved that the name of Senator Pha be added as a co-author to S.F. No. 3782. The motion prevailed.

Senator Pappas moved that the name of Senator Pha be added as a co-author to S.F. No. 3783. The motion prevailed.

Senator Pappas moved that the name of Senator Pha be added as a co-author to S.F. No. 3786. The motion prevailed.

Senator Kupec moved that the name of Senator Pha be added as a co-author to S.F. No. 3804. The motion prevailed.

Senator Kupec moved that the name of Senator Pha be added as a co-author to S.F. No. 3806. The motion prevailed.

Senator Abeler moved that the name of Senator Pha be added as a co-author to S.F. No. 3840. The motion prevailed.



Senator Kunesh moved that the name of Senator Kupec be added as a co-author to S.F. No. 4107. The motion prevailed.

Senator Kupec moved that the name of Senator Pha be added as a co-author to S.F. No. 4155. The motion prevailed.

Senator Fatch moved that the name of Senator Pha be added as a co-author to S.F. No. 4183. The motion prevailed.

Senator Fatch moved that the name of Senator Pha be added as a co-author to S.F. No. 4235. The motion prevailed.

Senator Kupec moved that the name of Senator Pha be added as a co-author to S.F. No. 4304. The motion prevailed.

Senator Kupec moved that the name of Senator Pha be added as a co-author to S.F. No. 4341. The motion prevailed.

Senator Putnam moved that the name of Senator Pha be added as a co-author to S.F. No. 4402. The motion prevailed.

Senator Klein moved that the name of Senator Pha be added as a co-author to S.F. No. 4511. The motion prevailed.

Senator Fatch moved that the name of Senator Pha be added as a co-author to S.F. No. 4531. The motion prevailed.

Senator Marty moved that the name of Senator Pha be added as a co-author to S.F. No. 4750. The motion prevailed.

Senator Jasinski moved that the names of Senators Morrison and Lang be added as co-authors to S.F. No. 4899. The motion prevailed.

Senator Hauschild moved that the name of Senator Weber be added as a co-author to S.F. No. 4936. The motion prevailed.

Senator Hauschild moved that the name of Senator Nelson be added as a co-author to S.F. No. 4983. The motion prevailed.

Senator Hauschild moved that the name of Senator Hoffman be added as a co-author to S.F. No. 5048. The motion prevailed.

Senator Eichorn moved that the names of Senators Coleman and Kreun be added as co-authors to S.F. No. 5058. The motion prevailed.

Senator Pha moved that the name of Senator Mitchell be added as a co-author to S.F. No. 5065. The motion prevailed.

Senator Mann moved that the name of Senator Gruenhagen be added as a co-author to S.F. No. 5123. The motion prevailed.

Senator Mann moved that the names of Senators Kupec, Klein, Morrison, and Utke be added as co-authors to S.F. No. 5159. The motion prevailed.

Senator Klein moved that the names of Senators Dibble, Rest, and Nelson be added as co-authors to S.F. No. 5168. The motion prevailed.

Senator Dibble moved that the names of Senators Fateh and Morrison be added as co-authors to S.F. No. 5232. The motion prevailed.

Senator Port moved that the names of Senators McEwen and Dibble be added as co-authors to S.F. No. 5271. The motion prevailed.

Senator Port moved that the name of Senator Boldon be added as a co-author to S.F. No. 5272. The motion prevailed.

Senator Koran moved that the name of Senator Rest be added as a co-author to S.F. No. 5291. The motion prevailed.

Senator Mann moved that the name of Senator Boldon be added as a co-author to S.F. No. 5320. The motion prevailed.

Senator Westlin moved that the name of Senator Maye Quade be added as a co-author to S.F. No. 2915. The motion prevailed.

Senator Westlin moved that the name of Senator Rest be added as a co-author to S.F. No. 3798. The motion prevailed.

Senator Mohamed moved that her name be stricken as a co-author to S.F. No. 4780. The motion prevailed.

Senator Cwodzinski moved that the name of Senator Boldon be added as a co-author to S.F. No. 4893. The motion prevailed.

Senator Dibble moved that the name of Senator McEwen be added as a co-author to S.F. No. 5327. The motion prevailed.

Senator Dibble moved that S.F. No. 4125 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Labor. The motion prevailed.

Senator Rest moved that S.F. No. 4513 be withdrawn from the Committee on Labor and returned to its author. The motion prevailed.

Senator Oumou Verbeten moved that S.F. No. 5128 be withdrawn from the Committee on Higher Education and re-referred to the Committee on Education Finance. The motion prevailed.

**Senators Rarick, Hoffman, Champion, Coleman, and Mohamed introduced --**

**Senate Resolution No. 88:** A Senate resolution reaffirming its commitment to strengthening and deepening the sister ties between the state of Minnesota and Taiwan.

Referred to the Committee on Rules and Administration.

### RECESS

Senator Murphy moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a recess, the President called the Senate to order.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SPECIAL ORDERS

Pursuant to Rule 26, Senator Murphy, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 3492, H.F. Nos. 3613, 3437, 4483, and S.F. No. 4027.

#### SPECIAL ORDER

**S.F. No. 3492:** A bill for an act relating to housing; amending provisions relating to residential housing leases; amending landlord and tenant rights and obligations; providing for tenant associations; amending provisions relating to residential housing evictions; making clarifying, technical, and conforming changes to landlord and tenant provisions; amending Minnesota Statutes 2022, sections 504B.001, by adding subdivisions; 504B.113, subdivision 3; 504B.177; 504B.205, subdivisions 2, 3; 504B.206, subdivisions 1, 2, 3, 6; 504B.285, subdivision 1; 504B.385, subdivision 2; Minnesota Statutes 2023 Supplement, sections 484.014, subdivision 3; 504B.144; 504B.268, subdivision 1; 504B.345, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B; repealing Minnesota Statutes 2023 Supplement, section 504B.331.

Senator Lucero moved to amend S.F. No. 3492 as follows:

Page 10, after line 24, insert:

"(b) Nothing in this section requires a landlord to provide a tenant association or tenant organizer with information about a tenant, including the tenant's mailing address, telephone number, or electronic contact information."

Reletter the paragraphs in sequence

The motion prevailed. So the amendment was adopted.

Senator Draheim moved to amend S.F. No. 3492 as follows:

Page 11, after line 9, insert:

"Subd. 2. **Criminal history check; nonresident tenant organizers.** A landlord may request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension for a tenant organizer who is not a resident at the premises before the tenant organizer enters the

premises or exercises any rights under this section. The tenant organizer must complete a criminal history consent form and provide payment to the landlord in an amount equal to the actual cost to the landlord for conducting the criminal history background check. A landlord may prohibit a tenant organizer from entering the premises or exercising the rights under this section if:

(1) the tenant organizer was convicted of a crime of violence as defined in section 624.712, subdivision 5; or

(2) the tenant organizer refuses to consent to a criminal history background check."

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodziński	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion did not prevail. So the amendment was not adopted.

Senator Housley moved to amend S.F. No. 3492 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2023 Supplement, section 484.014, subdivision 3, is amended to read:

Subd. 3. **Mandatory expungement.** (a) ~~Except for clause (6),~~ The court shall, without motion by any party except for clauses (6) and (7), order expungement of an eviction case:

(1) commenced solely on the grounds provided in section 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

(i) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or

(ii) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to vacate on a date prior to commencement of the eviction case;

(2) if the defendant prevailed on the merits;

(3) if the court dismissed the plaintiff's complaint for any reason;

(4) if the parties to the action have agreed to an expungement;

(5) three years after the eviction was ordered; ~~or~~

(6) upon motion of a defendant, if an eviction action has been filed in violation of section 504B.285, subdivision 1, paragraph (b); or

(7) upon motion of a defendant, if the case is settled and the defendant fulfills the terms of the settlement.

(b) If a tenant brings a motion for the expungement of an eviction, the court shall order the expungement of an eviction case that was commenced on the grounds of a violation of section 504B.171 or any other claim of breach regardless of when the original eviction was ordered, if the tenant could receive an automatic expungement under section 609A.055, or if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2022, section 504B.113, subdivision 3, is amended to read:

Subd. 3. **Additional fees or deposits prohibited; disclosure required.** (a) A landlord must not require a tenant with a reasonable accommodation under this section to pay an additional fee, charge, or deposit for the service or support animal. A tenant is liable to the landlord for any damage to the premises caused by the service or support animal.

(b) If a landlord requires an additional fee, charge, or deposit pursuant to a pet policy, the landlord must disclose in the lease the prohibition on additional fees, charges, or deposits for service or support animals under this section.

(c) A tenant may bring an action to recover any fees, charges, or deposits paid to a landlord pursuant to a pet policy if:

(1) the landlord fails to provide the disclosure required in paragraph (b); and

(2) the tenant demonstrates that the tenant would have requested a reasonable accommodation and would likely have received a reasonable accommodation had the landlord provided the disclosure under paragraph (b).

**EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to leases entered into on or after that date.

Sec. 3. Minnesota Statutes 2023 Supplement, section 504B.144, is amended to read:

**504B.144 EARLY RENEWAL OF LEASE.**

A landlord ~~must wait until~~ may not require a tenant to renew a lease sooner than six months from the expiration of the current lease ~~before requiring a tenant to renew the lease~~, if the lease is for a period of time longer than ten months. Nothing prevents a landlord from waiting until closer to the expiration of a lease to ask a tenant to renew the lease. Any provision, whether oral or written, of any lease or other agreement whereby any provision of this section is waived by a tenant is contrary to public policy and void.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2022, section 504B.177, is amended to read:

**504B.177 LATE FEES.**

(a) A landlord of a residential building may not charge a late fee if the rent is paid after the due date, unless the tenant and landlord have agreed in writing that a late fee may be imposed. The agreement must specify when the late fee will be imposed. In no case may the late fee exceed eight percent of the overdue rent payment. Any late fee charged or collected is not considered to be either interest or liquidated damages. For purposes of this paragraph, the "due date" does not include a date, earlier than the date contained in the written or oral lease by which, if the rent is paid, the tenant earns a discount.

(b) Notwithstanding paragraph (a), if a federal statute, regulation, or handbook permitting late fees for a tenancy subsidized under a federal program conflicts with paragraph (a), then the landlord may publish and implement a late payment fee schedule that complies with the federal statute, regulation, or handbook.

(c) A late fee charged by a landlord who has entered into a housing assistance payments contract with the federal, state, or local government must be calculated and assessed only on the portion of rent payable by the tenant. For the purposes of this paragraph, "housing assistance payments contract" means programs described in United States Code, title 42, sections 1437f and 1485, as well as other programs under which the landlord contracts to receive rent from the tenant and payment from the government.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2022, section 504B.205, subdivision 2, is amended to read:

Subd. 2. **Emergency calls permitted.** (a) A landlord may not:

(1) bar or limit a residential tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises; or

(2) impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises.

(b) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

Sec. 6. Minnesota Statutes 2022, section 504B.205, subdivision 3, is amended to read:

Subd. 3. **Local preemption.** This section preempts any inconsistent local ordinance or rule including, without limitation, any ordinance or rule that:

(1) requires an eviction after a specified number of calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises; or

(2) provides that calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises, may be used to penalize or charge a fee to a landlord.

This subdivision shall not otherwise preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

Sec. 7. Minnesota Statutes 2022, section 504B.206, subdivision 1, is amended to read:

Subdivision 1. **Right to terminate; procedure.** (a) A tenant to a residential lease may terminate a lease agreement in the manner provided in this section without penalty or liability, if the tenant or another authorized occupant fears imminent violence after being subjected to:

(1) domestic abuse, as that term is defined under section 518B.01, subdivision 2;

(2) criminal sexual conduct under sections 609.342 to 609.3451;

(3) sexual extortion under section 609.3458; or

(4) harassment under section 609.749.

(b) The tenant must provide signed and dated advance written notice to the landlord:

(1) stating the tenant fears imminent violence from a person as indicated in a qualifying document against the tenant or an authorized occupant if the tenant or authorized occupant remains in the leased premises;

(2) stating that the tenant needs to terminate the tenancy;

(3) providing the date by on which the ~~tenant will vacate~~ lease will terminate; and

(4) providing written instructions for the disposition of any remaining personal property in accordance with section 504B.271.

(c) The written notice must be delivered before the termination of the tenancy by mail, ~~fax, or~~ in person, or by a form of written communication the plaintiff regularly uses to communicate with the landlord, and be accompanied by a qualifying document. The tenancy terminates for the tenant who exercises the right granted under this subdivision, including the right of possession of the premises, on the date provided in the notice required under paragraph (b). Vacation of the premises under this section by the tenant prior to the date provided in the notice does not constitute termination of the tenancy for the purposes of this section.

(d) The landlord may request that the tenant disclose the name of the perpetrator and, if a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants in the building. The tenant may decline to provide the name of the perpetrator for safety reasons. Disclosure shall not be a precondition of terminating the lease.

~~(e) The tenancy terminates, including the right of possession of the premises, as provided in subdivision 3.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2022, section 504B.206, subdivision 2, is amended to read:

Subd. 2. **Treatment of information.** (a) A landlord must not disclose:

(1) any information provided to the landlord by a tenant in the written notice required under subdivision 1, paragraph (b);

(2) any information contained in the qualifying document;

(3) the address or location to which the tenant has relocated; or

(4) the status of the tenant as a victim of violence.

(b) The information referenced in paragraph (a) must not be entered into any shared database or provided to any person or entity but may be used when required as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, claims under section 504B.178, with the consent of the tenant, or as otherwise required by law.

(c) A landlord who violates this section is liable to the tenant for statutory damages of \$2,000, plus reasonable attorney fees and costs.

Sec. 9. Minnesota Statutes 2022, section 504B.206, subdivision 3, is amended to read:

Subd. 3. **Liability for rent; termination of tenancy.** (a) A tenant who is a sole tenant and is terminating a lease under subdivision 1 is responsible for the rent payment for the full month in which the tenancy terminates. The tenant ~~forfeits~~ relinquishes all claims for the return of the security deposit under section 504B.178 and is relieved of any other contractual obligation for payment of



rent or any other charges for the remaining term of the lease, except as provided in this section. In a sole tenancy, the tenancy terminates on the date specified in the notice provided to the landlord as required under subdivision 1.

(b) In a tenancy with multiple tenants, one of whom is terminating the lease under subdivision 1, any lease governing all remaining tenants is terminated at the later of the end of the month or the end of the rent interval in which one tenant terminates the lease under subdivision 1. All tenants are responsible for the rent payment for the full month in which the tenancy terminates. Upon termination, all tenants ~~forfeit~~ relinquish all claims for the return of the security deposit under section 504B.178 and are relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section. Any tenant whose tenancy was terminated under this paragraph may reapply to enter into a new lease with the landlord.

(c) This section does not affect a tenant's liability for delinquent, unpaid rent or other amounts owed to the landlord before the lease was terminated by the tenant under this section.

(d) Except as provided in section 504B.285, subdivision 1, paragraph (b), a landlord may not commence an eviction action against a tenant who has terminated a lease as provided in this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 10. Minnesota Statutes 2022, section 504B.206, subdivision 6, is amended to read:

Subd. 6. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "court official" means a judge, referee, court administrator, prosecutor, probation officer, or victim's advocate, whether employed by or under contract with the court, who is authorized to act on behalf of the court;

(2) "qualified third party" means a person, acting in an official capacity, who has ~~had in-person contact with~~ provided professional services to the tenant and is:

(i) a licensed health care professional operating within the scope of the license;

(ii) a domestic abuse advocate, as that term is defined in section 595.02, subdivision 1, paragraph (l); or

(iii) a sexual assault counselor, as that term is defined in section 595.02, subdivision 1, paragraph (k);

(3) "qualifying document" means:

(i) a valid order for protection issued under chapter 518B;

(ii) a no contact order currently in effect, issued under section 629.75 or chapter 609;

(iii) a writing produced and signed by a court official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2, criminal sexual conduct under sections 609.342 to 609.3451, sexual

extortion under section 609.3458, or harassment under section 609.749, and naming the perpetrator, if known;

(iv) a writing produced and signed by a city, county, state, or tribal law enforcement official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2, criminal sexual conduct under sections 609.342 to 609.3451, sexual extortion under section 609.3458, or harassment under section 609.749, and naming the perpetrator, if known; or

(v) a statement by a qualified third party, in the following form:

#### STATEMENT BY QUALIFIED THIRD PARTY

I, ..... (name of qualified third party), do hereby verify as follows:

1. I am a licensed health care professional, domestic abuse advocate, as that term is defined in section 595.02, subdivision 1, paragraph (l), or sexual assault counselor, as that term is defined in section 595.02, subdivision 1, paragraph (k), who has ~~had in-person contact with~~ provided professional services to ..... (name of victim(s)).

2. I have a reasonable basis to believe ..... (name of victim(s)) is a victim/are victims of domestic abuse, criminal sexual conduct, sexual extortion, or harassment and fear(s) imminent violence against the individual or authorized occupant if the individual remains (the individuals remain) in the leased premises.

3. I understand that the person(s) listed above may use this document as a basis for gaining a release from the lease.

I attest that the foregoing is true and correct.

(Printed name of qualified third party)

(Signature of qualified third party)

(Business address and business telephone)

(Date)

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 11. Minnesota Statutes 2022, section 504B.285, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** (a) The person entitled to the premises may recover possession by eviction when:

(1) any person holds over real property:

(i) after a sale of the property on an execution or judgment;

(ii) after the expiration of the time for redemption on foreclosure of a mortgage, or after termination of contract to convey the property; or

(iii) after the expiration of the time for redemption on a real estate tax judgment sale;

(2) any person holds over real property after termination of the time for which it is demised or leased to that person or to the persons under whom that person holds possession, contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement; or

(3) any tenant at will holds over after the termination of the tenancy by notice to quit.

(b) A landlord may not commence an eviction action against a tenant or authorized occupant solely on the basis that the tenant or authorized occupant has been the victim of any of the acts listed in section 504B.206, subdivision 1, paragraph (a). A landlord may not commence an eviction action against a residential tenant who has terminated a lease as provided in section 504B.206. Nothing in this paragraph should be construed to prohibit an eviction action based on a breach of the lease or where a tenant has provided the written notice under section 504B.206, subdivision 1, but failed to vacate on or before the date provided in that notice. A landlord violating this paragraph is liable to the tenant for reasonable attorney fees and costs incurred by the tenant for obtaining an expungement as provided under section 484.014, subdivision 3.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	
Drazkowski	Howe	Limmer	Rasmusson	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Abeler	Fateh	Kunesh	Mitchell	Port
Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion did not prevail. So the amendment was not adopted.

Senator Westrom moved to amend S.F. No. 3492 as follows:

Page 3, line 18, before "A" insert "If a prospective tenant provides an individual taxpayer identification number, the tenant must provide proof that the tenant is present in the United States with legal authorization. If a tenant refuses to provide the requested proof, the landlord may deny the tenant's application."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion did not prevail. So the amendment was not adopted.

Senator Drazkowski moved to amend S.F. No. 3492 as follows:

Page 2, after line 14, insert:

**"Sec. 2. [500.35] REMEDY TO REMOVE UNAUTHORIZED PERSONS FROM REAL PROPERTY.**

**Subdivision 1. Right to request removal.** A property owner or the authorized agent of a property owner may request the sheriff of the county in which the property is located to immediately remove a person unlawfully occupying residential real property if the following conditions are met:

(1) a person has unlawfully entered and remained or continues to reside on the owner's property without authorization;

(2) the real property was not open to members of the public at the time the unauthorized person entered;

(3) the property owner has directed the unauthorized person to leave the property;

(4) the unauthorized person is not a current or former tenant pursuant to a written or oral rental agreement entered into with the property owner;

(5) the unauthorized person is not an immediate family member of the property owner; and

(6) there is no pending litigation related to the residential real property between the property owner and the unauthorized person.

Subd. 2. **Complaint.** To request the immediate removal of an unlawful occupant of residential real property, the property owner or the property owner's agent must submit a complaint by presenting a completed and verified Complaint to Remove Persons Unlawfully Occupying Residential Real Property to the sheriff of the county in which the real property is located. The complaint must be in substantially the following form:

**COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING RESIDENTIAL  
REAL PROPERTY**

I, the owner or authorized agent of the owner of the real property located at  
....., declare under the penalty of perjury, under Minnesota  
Statutes, section 609.48, that (initial each box):

- 1..... I am the owner of the real property or the authorized agent of the owner of the real property.
- 2..... I purchased the property on .....
- 3..... The real property is a residential dwelling.
- 4..... An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.
- 5..... The real property was not open to members of the public at the time the unauthorized person or persons entered.
- 6..... I have directed the unauthorized person or persons to leave the real property, but they have not done so.
- 7..... The person or persons are not current or former tenants pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent.
- 8..... The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in title fraud.
- 9..... The unauthorized person or persons are not immediate family members of the property owner.
- 10..... There is no litigation related to the real property pending between the property owner and any person sought to be removed.
- 11..... I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

12..... I am requesting the sheriff to immediately remove the unauthorized person or persons from the residential property.

13..... A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY.

...(Signature of Property Owner or Agent of Owner)...

Subd. 3. **Sheriff to serve notice; remove unauthorized person.** Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized agent of the owner and appears otherwise entitled to relief under this section. If verified, the sheriff shall, without delay, serve a notice to immediately vacate on all the unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

Subd. 4. **Fees.** The sheriff is entitled to a reasonable fee for service of the notice to immediately vacate under this section. After the sheriff serves the notice to immediately vacate, the property owner or authorized agent may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property. The property owner or his or her authorized agent is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

Subd. 5. **Wrongful removal.** A person may bring a civil cause of action for wrongful removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees. The court shall advance the cause on the calendar.

Subd. 6. **Arrest.** This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion did not prevail. So the amendment was not adopted.

S.F. No. 3492 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Fateh	Kunesh	Mohamed	Rest
Boldon	Frentz	Kupec	Morrison	Seeberger
Carlson	Gustafson	Latz	Murphy	Westlin
Champion	Hauschild	Mann	Oumou Verbeten	Wiklund
Coleman	Hawj	Marty	Pappas	Xiong
Cwodzinski	Hoffman	Maye Quade	Pha	
Dibble	Housley	McEwen	Port	
Dziedzic	Klein	Mitchell	Putnam	

Pursuant to Rule 40, Senator Kunesh cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Anderson	Duckworth	Jasinski	Lucero	Rasmusson
Bahr	Eichorn	Johnson	Mathews	Utke
Dahms	Farnsworth	Koran	Miller	Weber
Dornink	Green	Kreun	Nelson	Wesenberg
Draheim	Gruenhagen	Lang	Pratt	Westrom
Drazkowski	Howe	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Duckworth.

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3613:** A bill for an act relating to transportation; providing for clarifications on forecasted Metro Mobility funding; amending Minnesota Statutes 2022, section 473.386, subdivision 10; Laws 2021, First Special Session chapter 5, article 4, section 114.

H.F. No. 3613 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 12, as follows:

Those who voted in the affirmative were:

Abeler	Duckworth	Jasinski	Marty	Pha
Bahr	Dziedzic	Johnson	Maye Quade	Port
Boldon	Farnsworth	Klein	McEwen	Pratt
Carlson	Fatch	Koran	Miller	Putnam
Champion	Frentz	Kreun	Mitchell	Rarick
Coleman	Gustafson	Kunesh	Mohamed	Rest
Cwodzinski	Hauschild	Kupec	Morrison	Seeberger
Dahms	Hawj	Lang	Murphy	Weber
Dibble	Hoffman	Latz	Nelson	Westlin
Dornink	Housley	Limmer	Oumou Verbeten	Wiklund
Draheim	Howe	Mann	Pappas	Xiong

Pursuant to Rule 40, Senator Kunesh cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Anderson	Green	Lucero	Utke
Drazkowski	Gruenhagen	Mathews	Wesenberg
Eichorn	Lieske	Rasmusson	Westrom

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3437:** A bill for an act relating to transportation; designating the Michael Gau Memorial Bridge over U.S. Highway 169 on Hennepin County State-Aid Highway 9 in the city of Plymouth; amending Minnesota Statutes 2022, section 161.14, by adding a subdivision.

H.F. No. 3437 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.



The roll was called, and there were yeas 65 and nays 2, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Johnson	Mathews	Pratt
Anderson	Farnsworth	Klein	Maye Quade	Putnam
Boldon	Fatch	Koran	McEwen	Rarick
Carlson	Frentz	Kreun	Miller	Rasmusson
Champion	Green	Kunesh	Mitchell	Rest
Coleman	Gruenhagen	Kupec	Mohamed	Seeberger
Cwodzinski	Gustafson	Lang	Morrison	Utke
Dahms	Hauschild	Latz	Murphy	Weber
Dibble	Hawj	Lieske	Nelson	Wesenberg
Dornink	Hoffman	Limmer	Oumou Verbeten	Westlin
Draheim	Housley	Lucero	Pappas	Westrom
Duckworth	Howe	Mann	Pha	Wiklund
Dziedzic	Jasinski	Marty	Port	Xiong

Pursuant to Rule 40, Senator Kunesh cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Bahr                      Drazkowski

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 4483:** A bill for an act relating to legislative enactments; making miscellaneous technical corrections to laws and statutes; correcting erroneous, obsolete, and omitted text and references; removing redundant, conflicting, and superseded provisions; amending Minnesota Statutes 2022, sections 12A.02, subdivision 6; 12B.15, subdivision 8; 13.3805, subdivision 1; 13.6401, subdivision 2; 14.37, subdivision 2; 16A.99, subdivision 4; 62V.04, subdivision 12; 62V.05, subdivision 5; 115A.952, subdivision 1; 116.07, subdivision 4k; 120A.22, subdivision 11; 122A.182, subdivision 5; 123B.72, subdivision 3; 124E.03, subdivision 7; 124E.14; 126C.05, subdivision 8; 126C.126; 126C.13, subdivision 4; 126C.17, subdivision 5; 150A.091, subdivisions 2, 5, 11a; 152.25, subdivision 1b; 155A.29, subdivision 2; 161.088, subdivision 7; 171.17, subdivision 1; 171.22, subdivision 1; 176.011, subdivision 15; 180.03, subdivision 4; 216B.161, subdivision 1; 241.67, subdivision 2; 245A.11, subdivision 2; 253B.02, subdivisions 7, 9; 256.042, subdivision 4; 256.9742, subdivision 3; 256B.056, subdivision 11; 256B.058, subdivision 2; 256B.0595, subdivisions 1, 4; 256B.0625, subdivision 56; 256B.0941, subdivision 1; 256B.196, subdivision 2; 256B.197, subdivision 3; 256B.4911, subdivision 1; 256D.64, subdivision 2; 256I.04, subdivision 2a; 256L.11, subdivisions 2, 6a; 259.12; 260B.188, subdivision 1; 270C.445, subdivisions 6b, 6c, 6d; 270C.446, subdivision 5; 272.02, subdivision 97; 273.032; 273.121, subdivision 1; 276.04, subdivision 2; 290.0132, subdivision 15; 297A.71, subdivision 14; 297A.75, subdivisions 1, 2, 3; 299K.09, subdivision 1; 326B.164, subdivision 5; 353.6511, subdivision 5; 353.6512, subdivision 5; 462.357, subdivision 7; 504B.178, subdivision 2; 609.2231, subdivision 3; 609.596, subdivision 3; 609.748, subdivision 1; Minnesota Statutes 2023 Supplement, sections 15.06, subdivision 1; 17.457, subdivision 5; 47.60, subdivision 1; 115E.042, subdivision 1a; 116J.871, subdivision 1; 116P.21,

subdivision 5; 122A.092, subdivision 5; 124D.65, subdivision 5; 124E.02; 125A.15; 125A.51; 125A.515, subdivision 3; 144E.101, subdivisions 7, 12; 145D.01, subdivision 5; 145D.02; 147.02, subdivision 1; 147.03, subdivision 1; 174.07, subdivision 3; 181.217, subdivision 1; 245A.03, subdivisions 2, 7; 245A.10, subdivision 3; 245G.06, subdivision 3a; 254B.05, subdivision 5; 256B.0625, subdivision 13e; 256B.0913, subdivision 5; 256B.0943, subdivision 1; 289A.08, subdivision 7a; 290.0132, subdivision 32; 290.067, subdivision 1; 290A.04, subdivision 2h; 297A.71, subdivision 44; 299C.10, subdivision 1; 326B.164, subdivision 13; 609.185; 624.7178, subdivision 4; Laws 2023, chapter 41, article 1, section 2, subdivision 49; Laws 2023, chapter 57, article 1, section 4, subdivision 2; Laws 2023, chapter 70, article 15, sections 10, subdivision 4; 12; repealing Minnesota Statutes 2022, sections 13.6435, subdivision 8; 16A.727; 256.021, subdivision 3; 273.11, subdivision 16; 297A.71, subdivision 45; Laws 2023, chapter 16, section 36; Laws 2023, chapter 53, article 11, section 31; Laws 2023, chapter 55, article 1, section 2; article 7, section 6; Laws 2023, chapter 57, article 2, section 39; Laws 2023, chapter 60, article 7, section 8; Laws 2023, chapter 63, article 7, sections 1; 3.

President Champion called President Pro Tem Rest to preside.

H.F. No. 4483 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 1, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Johnson	McEwen	Rasmusson
Anderson	Eichorn	Klein	Miller	Rest
Bahr	Farnsworth	Koran	Mitchell	Seeberger
Boldon	Fateh	Kreun	Mohamed	Utke
Carlson	Frentz	Kunesh	Morrison	Weber
Champion	Green	Kupec	Murphy	Wesenberg
Coleman	Gruenhagen	Lang	Nelson	Westlin
Cwodzinski	Gustafson	Latz	Oumou Verbeten	Westrom
Dahms	Hauschild	Lieske	Pappas	Wiklund
Dibble	Hawj	Limmer	Pha	Xiong
Dornink	Hoffman	Mann	Port	
Draheim	Housley	Marty	Pratt	
Drazkowski	Howe	Mathews	Putnam	
Duckworth	Jasinski	Maye Quade	Rarick	

Pursuant to Rule 40, Senator Kunesh cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Lucero

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 4027:** A bill for an act relating to economic development; making policy and technical changes to programs under the Department of Employment and Economic Development; requiring reports; amending Minnesota Statutes 2022, sections 116J.435, subdivisions 3, 4; 116J.5492, subdivision 2; 116J.8748, subdivision 1; 116M.18; 268A.11; 446A.072, subdivision 5a; 446A.073, subdivision 1; Minnesota Statutes 2023 Supplement, sections 116J.682, subdivisions 1, 3, 4; 116J.8733; 116J.8748, subdivisions 3, 4, 6; 116L.17, subdivision 1; Laws 2023, chapter 53, article 15, sections 32, subdivision 6; 33, subdivisions 4, 5; repealing Minnesota Statutes 2022, sections 116J.435, subdivision 5; 116L.17, subdivision 5.

Senator Draheim moved to amend S.F. No. 4027 as follows:

Page 3, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2022, section 116L.17, subdivision 5, is amended to read:

Subd. 5. **Cost limitations.** ~~(a) Funds allocated to a grantee are subject to the following cost limitations:~~

~~(1) No more than ten percent of funds allocated to a grantee may be allocated for administration;~~

~~(2) at least 50 percent must be allocated for training assistance as provided in subdivision 4, clause (4); and~~

~~(3) no more than 15 percent may be allocated for support services as provided in subdivision 4, clause (2).~~

~~(b) A waiver of the training assistance minimum in clause (4) may be sought, but no waiver shall allow less than 30 percent of the grant to be spent on training assistance. A waiver of the support services maximum in clause (2) may be sought, but no waiver shall allow more than 20 percent of the grant to be spent on support services. A waiver may be granted below the minimum and above the maximum otherwise allowed by this paragraph if funds other than state funds appropriated for the dislocated worker program are used to fund training assistance."~~

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodziński	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Port.

The motion did not prevail. So the amendment was not adopted.

Senator Draheim moved to amend S.F. No. 4027 as follows:

Page 11, delete section 3

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodziński	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Port.

The motion did not prevail. So the amendment was not adopted.

Senator Nelson moved to amend S.F. No. 4027 as follows:

Page 3, after line 11, insert:

"Sec. 2. Minnesota Statutes 2022, section 116L.98, is amended by adding a subdivision to read:

Subd. 8. **Requirements for grants exceeding a certain dollar threshold.** (a) Before issuing any economic development or workforce development grant of \$500,000 or more, and before implementing any new grant program, the commissioner must submit draft measurements to the commissioner of management and budget and consult with the commissioner of management and budget on those measurements. The consultation required under this section must be completed within 30 days after the consultation is requested. After consultation, the commissioner must incorporate measurements agreed upon through consultation with the commissioner of management and budget into grant applications, requests for proposals, and contracts.

(b) In addition to any other reporting requirements that apply to grants, grant programs, or any individually specified pass-through grants, the commissioner must report separately to the legislature regarding grants of \$500,000 or more, including a summary of how grant funds were used. The report must incorporate the measurements agreed upon through consultation with the commissioner of management and budget under paragraph (a). If grant funds are allowed to be used for longer than one year, the commissioner must issue annual interim reports about the progress of the grant, including how much of the grant funds remain unspent. A final report must be submitted to the legislature within 90 days of the expiration of the grant.

(c) As a condition of receiving a grant, a grantee must agree to provide the commissioner any information needed to complete the report required in paragraph (b)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Fateh	Klein	Maye Quade	Oumou Verbeten
Carlson	Frentz	Kunesh	McEwen	Pappas
Champion	Gustafson	Kupec	Mitchell	Pha
Cwodzinski	Hauschild	Latz	Mohamed	Port
Dibble	Hawj	Mann	Morrison	Putnam
Dziedzic	Hoffman	Marty	Murphy	Rest

Seeberger

Westlin

Wiklund

Xiong

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Port.

The motion did not prevail. So the amendment was not adopted.

Senator Pratt moved to amend S.F. No. 4027 as follows:

Page 3, after line 11, insert:

"Sec. 2. Minnesota Statutes 2022, section 116L.20, subdivision 1, is amended to read:

Subdivision 1. **Determination and collection of special assessment.** (a) In addition to amounts due from an employer under the Minnesota unemployment insurance program, each employer, except an employer making reimbursements is liable for a special assessment levied at the rate of .10 percent per year on all taxable wages, as defined in section 268.035, subdivision 24, except that effective July 1, 2009, until June 30, 2011, the special assessment shall be levied at a rate of .12 percent per year on all taxable wages as defined in section 268.035, subdivision 24. The assessment shall become due and be paid by each employer on the same schedule and in the same manner as other amounts due from an employer under section 268.051, subdivision 1.

(b) The special assessment levied under this section shall be subject to the same requirements and collection procedures as any amounts due from an employer under the Minnesota unemployment insurance program.

(c) Notwithstanding any law to the contrary, the commissioner must apply a credit to an employer's annual special assessment liability under this section for amounts spent by the employer for qualifying worker training under subdivision 3 each year. The credit may not exceed half of the employer's special assessment liability for the year.

Sec. 3. Minnesota Statutes 2022, section 116L.20, is amended by adding a subdivision to read:

Subd. 3. **Employer workforce training credits.** (a) An employer subject to the requirements of subdivision 1 that employs 100 or fewer employees may annually request from the commissioner a credit for qualifying employee training to be applied as allowed under subdivision 1, paragraph (c) to the special assessment amounts due from the employer for the next assessment year.

(b) Training provided by an employer and eligible for a credit allowed under this subdivision:

(1) must be used to upskill current entry-level employees or for training that leads to an increased salary or increased opportunities for career advancement with the employer; and

(2) must only be used to train Minnesota employees.

(c) By January 15, 2026, and each January 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over workforce development providing the following information:

(1) the current balance in the workforce development fund; and

(2) for the previous calendar year:

(i) the total amount of special assessments collected; and

(ii) the total amount of credits applied to employers under this section.

**EFFECTIVE DATE.** This section is effective January 15, 2025."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Duckworth.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Kunesh cast the negative vote on behalf of the following Senators: Dziedzic, Fateh, and Port.

The motion did not prevail. So the amendment was not adopted.

S.F. No. 4027 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Cwodzinski	Gustafson	Klein	Marty
Boldon	Dibble	Hauschild	Kunesh	Maye Quade
Carlson	Dziedzic	Hawj	Kupec	McEwen
Champion	Fateh	Hoffman	Latz	Mitchell
Coleman	Frentz	Housley	Mann	Mohamed

Morrison  
Murphy  
Nelson

Oumou Verbeten  
Pappas  
Pha

Port  
Putnam  
Rest

Seeberger  
Westlin  
Wiklund

Xiong

Pursuant to Rule 40, Senator Kunesch cast the affirmative vote on behalf of the following Senators: Dziedzic, Fateh, and Port.

Those who voted in the negative were:

Anderson  
Bahr  
Dahms  
Dornink  
Draheim  
Drazkowski

Duckworth  
Eichorn  
Farnsworth  
Green  
Gruenhagen  
Howe

Jasinski  
Johnson  
Koran  
Kreun  
Lang  
Lieske

Limmer  
Lucero  
Mathews  
Miller  
Pratt  
Rarick

Rasmusson  
Utke  
Weber  
Wesenberg  
Westrom

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Duckworth.

So the bill passed and its title was agreed to.

#### **MEMBERS EXCUSED**

Senator Limmer was excused from the Session of today from 12:05 to 12:15 p.m.

#### **ADJOURNMENT**

Senator Murphy moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 9, 2024. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate