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A bill for an act​

02/06/18 ​ REVISOR ACF/JU

18-5637​

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HOUSE OF REPRESENTATIVES​

**2780​**

**NINETIETH SESSION​**

**H. F. No.**

relating to human services; modifying various background study provisions;​ amending Minnesota Statutes 2016, section 245C.03, by adding a subdivision.​

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

Section 1. Minnesota Statutes 2016, section 245C.03, is amended by adding a subdivision​ to read:​

Subd. 1a. **Minor children background studies.** After notification described in Sec. 2, A parent may opt to have the required​ background study for a child include the submission of a child's fingerprints for a national​ criminal history record check as part of the review of information under section 245C.08​ if a child (1) is 13 to 17 years of age and (2) resides with a legal nonlicensed child care​ provider authorized under chapter 119B or at a licensed family child care program. A child's​ background study conducted under this subdivision is valid for five years.​

**EFFECTIVE DATE.** This section is effective upon implementation of NETStudy 2.0​ for family child care programs. The commissioner of human services shall notify the revisor​ of statutes when this section is effective.​

Sec. 2. **DIRECTION TO COMMISSIONER; FINGERPRINT DATA​ NOTIFICATION.​**

The commissioner of human services shall ~~notify all background study recipients under​ Minnesota Statutes, chapter 245C, that the Departments of Human Services and Public​ Safety and the Bureau of Criminal Apprehension do not retain any fingerprint data after a​ background study is completed.​~~ Provide all background study subjects a privacy disclosure that includes;

1. notice of which private and government entities will receive or have access to biometrics or personal data, including fingerprints, photographs and other information and,
2. a complete list of data that will given about background study subjects, whether or not data will be retained and by whom,
3. a detailed description of how this data will be used.
4. Instructions on having personal data removed once the individual is no longer subject to background studies under this section.

Sec 2.01 **DIRECTION TO COMMISSIONER TO REQUEST REMOVAL AND DESTRUCTION OF PERSONAL AND BIOMETRICS DATA.**

When an individual is no longer subject to background studies under this section, the Commissioner or any agency responsible for the handling of background study data must ensure the removal of any biometrics or personal data from any database in which it was retained, including but not limited to databases controlled by the Federal Bureau of Investigation, the Minnesota Bureau of Criminal Apprehension and the Department of Human Services.

Sec. 2.​ 1​

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**EFFECTIVE DATE.** This section is effective for background studies completed on or​ after October 1, 2018.​

Sec. 3. **DIRECTION TO COMMISSIONER; UNIFYING BACKGROUND STUDIES.​**

(a) The commissioner of human services shall work with stakeholders and affected​ agencies and boards to unify the background studies process required by the Departments​ of Human Services and Health, health-related licensing board as defined in Minnesota​ Statutes, section 214.01, subdivision 2, and Professional Educator Licensing and Standards​ Board as defined in Minnesota Statutes, section 122A.06, subdivision 3, to:​

(1) establish a single background study process that satisfies the requirements for all​ background studies required by the Departments of Human Services and Health,​ health-related licensing board, and Professional Educator Licensing and Standards Board;​

(2) establish a background study process that is transferable across different professions,​ between counties, and between provider types;​

(3) simplify the fee structure for background studies; and​

(4) identify any federal waivers necessary to implement a unified background studies​ process.​

(b) The commissioner shall propose legislation in the 2019 legislative session to establish​ a unified background studies process.​

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

02/06/18 ​ REVISOR ACF/JU 18-5637​

Sec. 3.​ 2​