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# Minnesota House of Representatives

Melissa Hortman, Speaker

FOR IMMEDIATE RELEASE  
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## New Laws Effective Aug. 1, 2020

*The following is a list of select new laws passed during the 2020 regular and special legislative sessions that take effect Aug. 1, 2020. The asterisk following the bill number denotes the language that became law.*

*Summaries of all laws passed by the 2020 Legislature in regular and special sessions are available online from nonpartisan House Public Information Services at <http://www.house.mn/newlaws/#/search/2020>.*

### AGRICULTURE

#### **Ag policy law tweaks number of provisions, adds emerging farmer support**

The omnibus agriculture policy law affects, in part, perishable farm product purchases, state loan programs, farm safety, grain buyers, hemp processing, agriculture education and pet food.

Sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Bill Weber (R-Luverne), and effective Aug. 1, 2020, the law extends the default payment deadline a wholesaler has to pay the seller after receipt of perishable products from 10 to 30 days if no date is specified in a contract.

An emerging farmer working group is created to advise the agriculture commissioner and Legislature "regarding the development and implementation of programs and initiatives that support emerging farmers in this state." The group must include, to the extent possible, young people, urban farmers, women, veterans, people with disabilities, American Indian or Alaskan Natives and people of color. A report is due the Legislature by Jan. 15 each year. The group expires Aug. 1, 2025.

Also created is a Seed Program Advisory Committee "to advise the (agriculture) commissioner concerning responsibilities under the seed regulatory program. The committee must evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by each species. For each species evaluated, the committee must recommend to the commissioner whether a species should be listed as a prohibited noxious weed seed or restricted noxious weed seed or not be listed."

Among other provisions, the law also:

- doubles the maximum loan amount under the Rural Finance Authority's Pilot Agricultural Microloan Program from \$10,000 to \$20,000;
- modifies membership of the Minnesota Agricultural Education Leadership Council;
- requires a person to obtain a hemp license from the Department of Agriculture before growing hemp for research purposes and processing industrial hemp for commercial purposes;
- gives veterinarians acting in good faith, and in the normal course of business, immunity from civil or criminal liability when they report suspected animal cruelty to law enforcement;

- makes the Association of American Feed Control Officials' Model Pet and Specialty Pet Food Regulation the pet food and specialty pet food rules in Minnesota;
  - lets a person donate or give away custom-processed, non-inspected deer, wild game and fowl;
  - modifies a 2019 law to specify that a \$5 million appropriation for innovative soybean processing and research is to be used at the Ag Innovation Campus in Crookston;
  - requires the Agriculture Department to report to the Legislature by Jan. 15, 2021, on specific policies and needed infrastructure to meet the state's existing petroleum replacement goal and to utilize biofuels to achieve the state's existing greenhouse gas reduction goals;
  - requires the Agriculture Department to work with the Farm Safety Advisory Committee to develop recommendations to best provide financial and technical workplace safety assistance to farmers, and report to the Legislature by Jan. 15, 2021; and
  - establishes a zero tolerance for prohibited noxious weed seeds in screenings, agricultural seeds and grains used as animal feed.
- HF4285\*/SF4223/CH89

## **BUSINESS AND COMMERCE**

### **Hair stylists and makeup applicators receive licensing exemption**

People who provide hairstyling and makeup application services only at certain types of special events, such as weddings, will no longer need to be licensed under the provisions of a new law that takes effect Aug. 1, 2020.

Sponsored by Rep. Shelly Christensen (DFL-Stillwater) and Sen. Karin Housley (R-St. Marys Point), the law will exempt hairstyling and makeup services from licensing by the Board of Cosmetology provided practitioners complete a four-hour course that covers health, safety, infection control and state law.

HF3202/SF2898\*/CH106

### **Certain conduct relating to timing of money transmission gets regulated**

A new law aims to protect consumers from fraud.

Sponsored by Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie) and Sen. Mark Koran (R-North Branch), the law, effective Aug. 1, 2020, will require a money transmitter (such as PayPal) to transmit money received within five business days unless specified circumstances exist.

It also requires a money transmitter to state in an agreement with a merchant that the transmitter has authority to place a hold on transmission if fraud is suspected.

Additionally, a transmitter must refund the customer's money within 10 days of a request unless the money has already been delivered, instructions have been given committing an equivalent amount of money prior to the refund request or the licensee is otherwise barred from providing a refund.

HF3904/SF3800\*/CH107

### **Law modifies authorized investments for banks**

The law governing investments for bank and trust companies has been slightly modified.

State law allows a bank or trust company to invest no more than 10% of its "capital and surplus in shares of stock in any banks or bank holding companies wherein the stock of the banks or bank holding companies is owned exclusively by bank holding companies or banks."

Effective Aug. 1, 2020, banks will no longer also be required to have at least 51% of the voting stock owned or controlled by bank holding companies or banks authorized to do business in Minnesota.

Rep. Steve Elkins (DFL-Bloomington) and Sen. Rich Draheim (R-Madison Lake) are the sponsors.

HF4067/SF3589\*/CH95

### **New law affects appraisal management company licensure fees**

Tweaks have been made to laws governing appraisal management companies' licensure fees.

A new law that takes effect Aug. 1, 2020 adds that an applicant for an appraisal management company license will be required to provide necessary information to the Commerce Department to collect and transmit National Registry Fees.

The law also requires the department to collect and transmit from appraisal management companies any fees and information required by the National Registry's Appraisal Subcommittee.

Rep. John Huot (DFL-Rosemount) and Sen. Karin Housley (R-St. Marys Point) sponsor the law.  
HF3341/SF3435\*/CH94

### **Laws on real estate, car sales and appraisers tweaked**

Technical changes have been made to various provisions governing or administered by the Department of Commerce.

Sponsored by Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie) and Sen. Mark Koran (R-North Branch), a new law makes changes to chapters governing motor vehicle installment sales, insurance, real estate brokers, appraisal management companies and credit service organizations.

Provisions effective Aug. 1, 2020 will:

- clarify the asset base for calculation of required guaranty deposit for a national bank acting as a fiduciary;
- clarify that motor vehicle retail installment contracts must be entered into in Minnesota in order for a person to be regulated as a sales finance company;
- require license fees to be calculated by reference to every branch of the licensee, not just branches maintained in this state;
- modify the definition of residential real estate;
- clarify that scheduling orders and documents related to scheduling conferences must be given confidential treatment;
- clarify that amendments to articles of incorporation for an insurance corporation are effective upon the commissioner's approval;
- make technical and clarifying changes in statute governing mergers of insurance corporations;
- clarify that a disclosure must be provided before negotiating or consummating a real estate transaction;
- modify owner requirement standards for an appraisal management company;
- require a credit service organization to update their registration within 30 days of a change; and
- modify the disclosure required from a credit services organization.

HF4055/SF4091\*/CH80

## **CIVIL LAW**

### **Marriage by minors prohibited**

A new law prohibits marriage by minors by deleting statutory language that had allowed 16- and 17-year-old children to receive a marriage license with "the consent of the person's legal custodial parents, guardian, or the court."

The law, effective Aug. 1, 2020, also prohibits the state from recognizing a marriage involving a minor in another state, or foreign jurisdiction, if one of the parties to the marriage was a Minnesota resident at the time of the marriage.

Minnesota will recognize marriages involving two minors if both parties to the marriage were not residents of Minnesota at the time of the marriage.

The law is sponsored by Rep. Kaohly Her (DFL-St. Paul) and Sen. Sandra Pappas (DFL-St. Paul).  
HF745\*/SF1393/CH76

### **Requiring intent in the crime of harassment**

Portions of the state's harassment statute that the Minnesota Supreme Court declared unconstitutional in a June 2019 opinion are amended by a new law that adopts harassment standards that are in federal harassment law. It takes effect Aug. 1, 2020.

In the court's opinion, Minnesota's harassment statute did not require proof of specific intent and therefore had the potential to criminalize negligent conduct. The new law adds that a person commits harassment only if there is a specific intention to cause harm. This change also addresses concerns that the definition of harassment was overly broad and violated free speech protections in the First Amendment.

The court also expressed concern that the threshold for an action to be considered harassment was too low; therefore, the new law raises those thresholds, adding that in order to be criminal harassment, an action must cause a "reasonable fear of substantial bodily harm" in another person or "would reasonably be expected to cause substantial emotional distress" in another person.

Rep. Dave Pinto (DFL-St. Paul) and Sen. Jerry Relph (R-St. Cloud) sponsor the law.  
HF4137\*/SF4065/CH96

### **Guardianship, wage garnishment part of judiciary and civil law modification**

A new law makes changes to four sections of statutes regarding guardianship and conservatorship laws, the Minnesota Uniform Transfers to Minors Act, the Minnesota Common Interest Ownership Act and wage garnishment laws.

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), the law takes effect Aug. 1, 2020, unless otherwise noted.

Among its provisions, it updates the Bill of Rights for Protected Persons to include the right to communicate and see friends and family. It also makes changes to the state's guardian statutes, such as creating a new form, "a bill of particulars," that contains confidential information related to a person's health and finances; requiring notice when the person subject to guardianship experiences a significant medical or public safety event or dies; authorizing a person subject to conservatorship to control their own wages; and authorizing a guardian or conservator to seek a restraining order on behalf of a victim who is a person subject to guardianship or conservatorship.

In regards to the Minnesota Uniform Transfers to Minors Act, the law changes the custodial standard of care from the "prudent person" standard to a "prudent investor" standard consistent with how trusts must be managed under existing Minnesota laws on trusts. It also authorizes a custodian to transfer, with or without a court order, all or part of custodial assets to a trust that satisfies the requirements of a minor's trust described in the Internal Revenue Code.

The Minnesota Common Interest Ownership Act governs the operation of condominium associations and other common interest communities.

The law states that unit owners are deemed to have consented or voted in the affirmative for approval of amendments to governing documents if an association sends a notice to a unit owner by certified mail and: (1) if there is a vote, the unit owner does not vote against the amendment; or (2) the unit owner does not object to the amendment within 60 days after the notice is mailed.

The law will also authorize an association to petition the court for an order reducing the percentage of affirmative votes or consents necessary to at least 67% for an amendment to declarations, bylaws and articles of incorporation.

Finally, one provision in the new law will allow creditors to garnish earnings for 90 days instead of the current 70 days.

The exemption for wages — the amount a debtor can keep away from a creditor during a garnishment — is also changed. Under current law, a debtor can exempt income that is the greater of 40 times the federal minimum wage or 25% of the debtor’s net income. This law adds an additional category, allowing a debtor to maintain up to 40 times \$9.50.

HF3517/SF3357\*/CH86

## CONSUMERS

### **Banks and credit unions will be able to do more to stop financial exploitation**

More vulnerable adults can be protected from financial exploitation with additional tools for banks and credit unions.

Rep. Jennifer Schultz (DFL-Duluth) and Sen. Karin Housley (R-St. Marys Point) sponsor the law that takes effect Aug. 1, 2020. It will hold financial services providers – as well as broker-dealers and investment advisers – responsible for reporting when they believe financial exploitation may have occurred or been attempted.

The law will also provide financial services providers and their employees with the protections needed to safely make good faith third-party disclosures, testify about alleged financial exploitation, delay a disbursement or hold transactions. This will enable financial service providers to take action on suspicious transactions if requested to do so by law enforcement or prosecutors, in response to an internal review, or when other conditions have been met.

Accounts won’t be put on hold. But specific, suspicious transactions could be held for 15 days, or until the financial institution could establish the reasonable belief it won’t result in exploitation. A law enforcement agency or the prosecuting attorney could request the hold be extended up to 25 days. The holds could also be appealed.

HF2475/SF2466\*/CH85

## EMPLOYMENT

### **New program name, state’s pay-for-performance job training standards modified**

Minnesota’s “displaced homemaker program” will be renamed the “Minnesota Family Resiliency Partnership” to better reflect the program’s work, under a new law that takes effect Aug. 1, 2020.

The program helps people return to the workforce or enter it for the first time, often after the loss of a family’s primary financial support due to a death, disability, divorce or other unexpected circumstances. The change aims to highlight the program’s inclusivity and let it reach more families.

Sponsored by Rep. Anne Claflin (DFL-South St. Paul) and Sen. Rich Draheim (R-Madison Lake), the new law will also modify the state’s pay-for-performance job training standards, which provide \$11,000 grants to programs to reward them for student placement and job retention. Modifications will:

- reduce the amount of money programs need to spend on each student;
- change the qualifying student wage from \$9, or its equivalent with benefits, to the current state minimum wage;
- require the programs to provide training in financial and digital literacy and “soft skills” and remove required training in “thinking skills and personal qualities”;
- require that participants receive access to internships, technology training, personal and emotional intelligence skill development, and other support services;

- two years of coaching after placement; and
- limit income supplements for things like housing and counseling to \$2,000 per participant.

The law also raises the income limit for participants to 200% of the federal poverty guideline — from 100% — and only looks at their incomes six months prior to enrolling to determine eligibility.

HF4429\*/SF3422/CH91

## **HEALTH AND HUMAN SERVICES**

### **Age to purchase tobacco now 21 years old**

Effective Aug. 1, 2020, anyone looking to buy tobacco products, including e-cigarettes, in Minnesota will have to be at least 21 years old.

In addition to interrupting the cycle of addiction, the law, sponsored by Rep. Heather Edelson (DFL-Edina) and Sen. Carla Nelson (R-Rochester), will bring the state into line with federal statute. A statewide approach is also intended to address confusion for retailers as well as law enforcement.

In addition to changing the legal age for purchasing tobacco and tobacco products, the law will:

- make people liable to administrative penalties for giving or otherwise furnishing tobacco products to underage people, in addition to selling them;
- include a wider range of tobacco and nicotine delivery products, including e-cigarettes;
- increase penalties for stores that sell to underage people and allow licenses to be revoked for a third or subsequent violation;
- eliminate the petty misdemeanor for underage people who possess tobacco or purchase it with a fake I.D.; and
- require alternative civil penalties for underage people who purchase tobacco products such as tobacco-cessation programming and community service, but not fines or monetary penalties.

The new law will make selling or giving tobacco to an underage person a petty misdemeanor for the first violation — a lower penalty than the misdemeanor in previous statute. Penalties for subsequent violations will be lowered from gross misdemeanors to misdemeanors.

Under the law, a first violation by a retailer will result in a \$300 penalty, a second violation will cost \$600, and later violations within 36 months of the initial violation will cost \$1,000.

Previously, the penalties for retailers were, respectively, \$75, \$200, and \$250 for violations within 24 months of the initial violation.

HF331\*/SF463/CH88

### **Omnibus health policy law focuses on practical changes**

The omnibus health policy law contains many provisions intended to improve access to care and treatment, better align existing statutes with current practice, and streamline and clarify existing law. Rep. Hunter Cantrell (DFL-Savage) and Sen. Michelle Benson (R-Ham Lake) are the sponsors.

Notable provisions, effective Aug. 1, 2020, include language that will:

- authorize pharmacists to prescribe self-administered hormonal contraceptives, nicotine replacement medications, and opiate antagonists used for acute opioid overdoses;
- eliminate unnecessary administrative barriers that impede physician's assistants' ability to practice in Minnesota;
- require health care providers to give patients their own health information and records within 30 days of a written request;
- permit — rather than require — medical cannabis manufacturers to operate eight distribution facilities in the state;

- require the Department of Health to conduct at least one unannounced inspection of each medical cannabis manufacturer per year until a state-centralized, seed-to-sale system is implemented;
- allow telemedicine evaluations to suffice for prescribing drugs for the treatment of erectile dysfunction;
- add advanced practice registered nurses and podiatrists to the list of providers who can prescribe prosthetic and orthotic devices;
- require health carriers to reimburse multi-step dental procedures, even if the entire procedure is not completed because the patient moves, doesn't show up, changes coverage or loses coverage;
- allow Medical Assistance to pay for services for persons who have been screened for breast or cervical cancer through a wider array of programs;
- clarify that Medical Assistance may cover medical services that are unrelated to clinical trials;
- include tribal identification cards as a valid form of identification for accessing both an urgent-need 30-day supply of insulin and the ongoing manufacturer patient assistance program;
- authorize pharmacists to administer COVID-19 vaccines when one becomes available;
- add new controlled substances to state's list of Schedule I and II controlled drug schedules; and
- allow patients receiving veteran's disability or railroad disability to pay a reduced fee when enrolling in the state's medical cannabis program.

HF2715/SF13\*/CH115

### **New law makes range of health board changes**

A new law will make it easier for retired health care workers to return to work during a peacetime emergency — like the COVID-19 pandemic — and institute a range of other updates and clarifying and technical changes to statutes governing health occupations regulated by the Board of Medical Practice, Board of Occupational Therapy Practice, Board of Social Work Practice and Board of Dentistry.

Sponsored by Rep. Kelly Morrison (DFL-Deeplaven) and Sen. Carla Nelson (R-Rochester), parts of the law effective Aug. 1, 2020, include:

- removing unnecessary criminal background check fees for health professions regulated by the Board of Medical Practice, including physician assistants, acupuncturists, respiratory therapists, traditional midwives and genetic counselors;
- updating the scope of practice for occupational therapists licensed by the Board of Occupational Therapy Practice;
- making clarifying and technical changes to statutes regarding occupational therapy licensure applications and renewal requirements;
- converting the license renewal cycle for occupational therapy licensees to a two-year cycle based on birth month;
- allowing for licensure by endorsement — not just by examination — for licensed graduate social workers, licensed independent social workers and licensed independent clinical social workers;
- updating statutes governing the Board of Social Work Practice to more explicitly define topics to be covered by "continuing education social work ethics," including cultural awareness and social diversity; and
- modifying requirements for dental professionals to display licensing and renewal certificates.

The law will also require the Board of Social Work Practice to have at least five members — out of 10 — who are members of a community of color or an underrepresented community. Under previous law, the requirement was five board members "be persons with expertise in communities of color."

HF3028/SF2939\*/CH79

## HIGHER EDUCATION

### Higher education policy law changes aim to circumvent closure crises

With an increasing number of for-profit career schools in Minnesota closing in recent years, the Office of Higher Education has been given greater power to take action against schools that seem to be in danger of closure.

Such measures are part of the omnibus higher education policy law. Sponsored by Rep. Connie Bernardy (DFL-New Brighton) and Sen. Paul Anderson (R-Plymouth), it takes effect Aug. 1, 2020.

The Office of Higher Education will have expanded power to revoke, suspend or refuse to renew a school's registration or licensure, or its participation in state financial aid programs. The law also:

- requires degree-granting schools to establish a process for student complaints;
- denies a religious exemption from Office of Higher Education regulation if the school engages in misleading or fraudulent advertising;
- allows the office to collect a fee from postsecondary institutions for participation in the Statewide Authorization Reciprocity Agreement, and increase renewal registration fees; and
- permits the office to suspend or revoke the registration of a school that does not have enrollment within two years of registering.

The Office of Higher Education will also have a Student Advisory Council that includes a member elected by students in private career schools; have the ability to prohibit schools receiving state financial aid from withdrawing a student from class or suspending them due to an unpaid student account balance; and allow students to receive prorated tuition upon canceling participation in a private career school's programs.

The new law also contains provisions under which the Office of Higher Education will:

- consult with a newly formed Tribal Nations Education Committee;
- expand eligibility for its Child Care Grant program;
- modify the state's student loan forgiveness program for those teaching in areas with teacher shortages, and assign the Professional Educator License and Standards Board the responsibility to define teacher shortage areas;
- establish loan limits for the state's student loan program;
- expand the Large Animal Veterinarian Loan Forgiveness Program; and
- offer specific religious exemptions for degree-granting schools.

The Office of Higher Education will also collaborate with the Department of Education on evaluating concurrent enrollment programs — through which high school students attend college classes — and set an annual goal for the percentage of Minnesota high school seniors completing the Free Application for Federal Student Aid (or FAFSA).

The law also changes the state's 529 college savings plans to conform state law to changes in federal law that permit apprenticeship program expenses, student loan payments for the beneficiary or the beneficiary's sibling, and rollovers to "Achieving a Better Life Experience" (or ABLE) accounts.

It also adds to sexual assault campus law a definition of an "incident."

HF3392/SF3683\*/CH109

## HOUSING

### Modular home definition modified

Sponsored by Rep. Peter Fischer (DFL-Maplewood) and Sen. Rich Draheim (R-Madison Lake), a new law, effective Aug. 1, 2020, will modify the definition of "modular home" to include two-family residences.

It will also change an annual payment deadline for manufactured home park owners related to the manufactured home relocation trust fund from Nov. 30 to Oct. 31.

HF3625/SF3443\*/CH99

## **LOCAL GOVERNMENT**

### **Polk County courthouse improvements could be funded by new law**

The Polk County Law Library may transfer money in reserve to Polk County for improvements to the county courthouse.

Sponsored by Rep. Sandy Layman (R-Cohasset) and Sen. Justin Eichorn (R-Grand Rapids), the law, effective Aug. 1, 2020, gives the library the ability to transfer up to half the money in its fiscal reserve, to a maximum of \$150,000.

In order for the transfer to take place, library trustees would have to determine the reserve is projected to have enough money to sustain the library's operations for over five years.

The transferred money will be used to defray "technological improvements" to the courthouse.

HF3804/SF3745\*/CH117

## **PUBLIC SAFETY**

### **Police reform, accountability changes focus of new law**

Since the Memorial Day death of George Floyd while in Minneapolis police custody, calls have grown louder for altering how peace officers perform their duties.

Sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), a new law, in part, makes changes to police training, use of force and accountability. It also strengthens transparency and community oversight.

Changes that take effect Aug. 1, 2020 include:

- law enforcement agencies will no longer be permitted to provide warrior-style training, directly or through a third party, to a peace officer;
- if physically or verbally able to do so, an officer will be required to intervene when another officer uses excessive force;
- a critical incident stress management team will be created to provide assistance to emergency service providers coping with stress and potential psychological trauma resulting from a critical incident or emotional event;
- expanding membership of the Peace Officers Standards and Training Board from 15 members to 17 by appointing additional community members;
- requiring the board by Sept. 1, 2020 to adopt a comprehensive use of force model policy to be implemented by every law enforcement agency;
- requiring the board to consult with the Human Services Department and other mental health stakeholders to create a list of approved training courses related to responding to a mental health crisis and requiring officers to complete a minimum of six hours of training;
- requiring autism awareness training for officers;
- cities and counties can offer incentives for peace officers to be residents of the city or county they serve;
- an independent Use of Force Investigations Unit will be established in the Bureau of Criminal Apprehension to conduct officer-involved death investigations, investigate conflict of interest cases involving peace officers.

SSHF1\*/SSSF37/CH1

### **Penalties for drones over prisons part of omnibus public safety law**

Someone operating an unmanned aerial vehicle — also known as a drone — in airspace above a state prison or other Department of Corrections' property will be charged with a misdemeanor under a new law. Doing so to record images or to introduce unauthorized items into a prison will make the misdeed a gross misdemeanor.

The provision is one aspect of the omnibus public safety and corrections policy law, of which many provisions take effect Aug. 1, 2020. Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove) are the sponsors.

Conservation officers will be given the same DWI arrest authority as other peace officers. Under current law, DNR conservation officers only have the authority to enforce provisions of the DWI chapter against individuals who are hunting while under the influence, or while operating off-road recreational vehicles or motorboats.

The law also:

- requires the Corrections Department to provide a reasonable number of free feminine hygiene products, including sanitary napkins and tampons, to female inmates, and develop a written policy to implement the process;
- changes the formula the Corrections Department uses to charge counties to house male juvenile inmates at its Red Wing facility and of juvenile females committed to the department;
- changes from “counseling” to “cultural programming” the description of services the Corrections Department must develop for American Indian inmates in all correctional facilities and community-based correctional programs;
- requires certain contractors to undergo criminal background checks before they can access the state’s Criminal Justice Data Communications Network; and
- repeals an obsolete provision related to juvenile offender reimbursement and a redundant provision related to the Ramsey County Community Corrections Department.

HF3391/SF3258\*/CH110

### **Model policy on eyewitness identification required**

Sponsored by Rep. Dave Pinto (DFL-St. Paul) and Sen. Bill Ingebrigtsen (R-Alexandria), a new law requires the Minnesota Peace Officer Standards and Training Board to create a model policy for eyewitness identification by Nov. 1, 2020. Law enforcement agencies throughout the state must adopt the model policy or one “substantially similar to the model policy” by Feb. 1, 2021.

Taking effect Aug. 1, 2020, the law states the POST Board model policy must require that:

- a person administering a live or photographic lineup be unaware of the suspect’s identity, or, if that is not practical, the administrator use a photographic lineup that prevents the administrator from seeing which member of the lineup is being viewed by the eyewitness at a given time;
- before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;
- non-suspect “fillers” used in the lineup be substantially similar to the eyewitness’ description of the perpetrator; and
- immediately after an identification is made, the eyewitness provide a statement in his or her own words that articulates the level of the eyewitness’ confidence in the identification.

HF627\*/SF1256/CH90

## **Drone use, search warrant changes included in omnibus data practices law**

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), the following parts of the omnibus data practices law take effect Aug. 1, 2020.

### **Drone use by law enforcement**

This law requires law enforcement agencies to obtain a search warrant for using an unmanned aerial vehicle — or drone — unless an exception applies, including:

- during, or in the aftermath of, an emergency;
- over a public event where there is heightened risk to the public;
- to counter the risk of a terrorist attack;
- to prevent the loss of life and property in natural or man-made disasters;
- to conduct a threat assessment;
- to collect information over a public area if there is a reasonable suspicion of criminal activity;
- for crash-reconstruction purposes; and
- for officer training or public relations purposes.

An unmanned aerial vehicle cannot be armed and the law prohibits the use of facial recognition technology and data collection at public protests unless authorized by a warrant. It requires a law enforcement agency to document each use of an unmanned aerial vehicle and to delete data collected within seven days unless the information obtained is part of an active criminal investigation.

Law enforcement agencies must, by Feb. 15, 2021, create a written policy for using unmanned aerial vehicles.

### **Warrants for electronic communication data**

A government entity will be required to obtain a search warrant prior to accessing electronic communication information, such as images, email and text messages from cell phones or other wired or wireless electronic communication devices. The law specifies that information gathering requiring a warrant includes the “precise or approximate location of the sender or recipients at any point during the communication.” Exceptions are allowed if a person gives permission to a law enforcement agency to collect electronic data, or if “exigent circumstances exist where there is a danger to the life or physical safety of an individual.”

The law requires courts, within 90 days of unsealing an electronic warrant, to disclose to the subject of the warrant the nature and duration of the surveillance investigation and if electronic communication information was collected during the surveillance period.

### **Scope of warrants for location-tracking expanded**

Current law that prohibits a government entity from obtaining location information of an electronic device without a tracking warrant will be expanded to include “unique identifiers,” defined as any numeric or alphanumeric string associated with a single entity or account within an electronic communication application or service.

### **Publication criteria for court of appeals opinions**

This new law removes a requirement that the court of appeals only publish decisions that establish a new rule, overrule a prior decision, provide important procedural guidelines in interpreting statutes or administrative rules, or significantly aid in the administration of justice.

It also removes requirements related to how attorneys may cite unpublished opinions in their legal briefs and memoranda.

HF3012/SF3072\*/CH82

## STATE GOVERNMENT

### Language governing State Register updated

Minnesota's official publication of state government, the State Register, will receive an update to the laws governing its publication.

Sponsored by Rep. Duane Sauke (DFL-Rochester) and Sen. Mark Koran (R-North Branch), a new law reduces the number of copies of each issue that must be provided free of charge to the Legislative Reference Library from 10 to one. An electronic copy must also be available through the state website. A requirement that a copy be provided to a designated library in each county is eliminated.

The law, effective Aug. 1, 2020, also changes from Aug. 1 to Sept. 1 the date when an annual report on the events held at the Capitol and associated revenues is due.

HF3356\*/SF3296/CH93

## TRANSPORTATION

### Transportation law changes

Parts of the omnibus transportation law, sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson), take effect Aug. 1, 2020.

Those provisions will:

- allow drivers involved in a motor vehicle collision involving injury or damage to provide an email address in place of a residential address, and state that a driver's license does not need to be shown to the other driver or drivers involved;
- create a separate optional identifier on driver's licenses and state identification cards allowing the holder to indicate they have a mental health disorder;
- set owner notification requirements in order for a private road to be dedicated as public when it is continuously repaired or maintained as a public road for six years (applies to new work starting on or after Aug. 1, 2020);
- set standards, notification requirements and a fee for some free-standing meteorological towers; and
- make a technical correction to the designation of the Specialist Noah Pierce Bridge.

HF462\*/SF3522/CH100