

1.1 A bill for an act
1.2 relating to state government; classifying or modifying certain provisions
1.3 concerning data practices; requiring informed consent; amending definitions;
1.4 allowing disclosure of certain data; allowing access to certain records; making
1.5 technical changes; extending the classification of private data maintained by
1.6 a library to a vendor in certain circumstances; modifying certain provisions
1.7 regarding transportation and health data; modifying certain provisions regarding
1.8 criminal history records, criminal background checks, and other criminal justice
1.9 data provisions; extending for six years the sunset provision for the newborn
1.10 screening advisory committee; repealing the McGruff safe house program;
1.11 amending Minnesota Statutes 2012, sections 13.386, subdivision 3; 13.40,
1.12 subdivision 2; 13.43, subdivision 2; 13.64, subdivision 2; 13.72, subdivision 10,
1.13 by adding subdivisions; 144.966, subdivisions 2, 3, by adding subdivisions;
1.14 171.07, subdivision 1a; 268.19, subdivision 1; 299C.11, subdivision 1; 299C.46,
1.15 subdivisions 1, 2, 2a, 3; 299F.035, subdivisions 1, 2; 299F.77; 340A.301,
1.16 subdivision 2; 340A.402; proposing coding for new law in Minnesota Statutes,
1.17 chapters 13; 144; 299C; repealing Minnesota Statutes 2012, section 299A.28.

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

1.19 Section 1. [13.356] PERSONAL CONTACT AND ONLINE ACCOUNT
1.20 INFORMATION.

1.21 Except where disclosure is specifically authorized by law, and notwithstanding
1.22 section 13.04, subdivision 2, the following data on an individual collected, maintained,
1.23 or received by a government entity for notification or informational purposes are private
1.24 data on individuals:
1.25 (1) telephone number;
1.26 (2) personal e-mail address; and
1.27 (3) Internet user name, password, Internet protocol address, and any other similar
1.28 data related to the individual's online account or access procedures.

- 2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment
- 2.2 and applies to data collected, maintained, or received before, on, or after that date.
- 2.3 Sec. 2. Minnesota Statutes 2012, section 13.386, subdivision 3, is amended to read:
- 2.4 Subd. 3. **Collection, storage, use, and dissemination of genetic information.** (a)
- 2.5 Unless otherwise expressly provided by law, genetic information about an individual:
- 2.6 (1) may be collected by a government entity, as defined in section 13.02, subdivision
- 2.7 7a, or any other person only with the written informed consent of the individual;
- 2.8 (2) may be used only for purposes to which the individual has given written
- 2.9 informed consent;
- 2.10 (3) may be stored only for a period of time to which the individual has given written
- 2.11 informed consent; and
- 2.12 (4) may be disseminated only:
- 2.13 (i) with the individual's written informed consent; or
- 2.14 (ii) if necessary in order to accomplish purposes described by clause (2). A consent
- 2.15 to disseminate genetic information under item (i) must be signed and dated. Unless
- 2.16 otherwise provided by law, such a consent is valid for one year or for a lesser period
- 2.17 specified in the consent.
- 2.18 (b) Newborn screening activities conducted under sections 144.125 to 144.128 are
- 2.19 subject to paragraph (a). Other programs and activities governed under section 144.192
- 2.20 are not subject to paragraph (a).
- 2.21 **EFFECTIVE DATE.** This section is effective July 1, 2013.
- 2.22 Sec. 3. Minnesota Statutes 2012, section 13.40, subdivision 2, is amended to read:
- 2.23 Subd. 2. **Private data; library borrowers.** (a) Except as provided in paragraph
- 2.24 (b), the following data maintained by a library or a vendor providing any electronic data
- 2.25 services under contract with a library are private data on individuals and may not be
- 2.26 disclosed for other than library purposes except pursuant to a court order:
- 2.27 (1) data that link a library patron's name with materials requested or borrowed by
- 2.28 the patron or that link a patron's name with a specific subject about which the patron
- 2.29 has requested information or materials; or
- 2.30 (2) data in applications for borrower cards, other than the name of the borrower.
- 2.31 (b) A library may release reserved materials to a family member or other person who
- 2.32 resides with a library patron and who is picking up the material on behalf of the patron. A
- 2.33 patron may request that reserved materials be released only to the patron.

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

3.2 Sec. 4. Minnesota Statutes 2012, section 13.43, subdivision 2, is amended to read:

3.3 Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and
3.4 subject to the limitations described in subdivision 5a, the following personnel data on
3.5 current and former employees, volunteers, and independent contractors of a government
3.6 entity is public:

3.7 (1) name; employee identification number, which must not be the employee's Social
3.8 Security number; actual gross salary; salary range; terms and conditions of employment
3.9 relationship; contract fees; actual gross pension; the value and nature of employer paid
3.10 fringe benefits; and the basis for and the amount of any added remuneration, including
3.11 expense reimbursement, in addition to salary;

3.12 (2) job title and bargaining unit; job description; education and training background;
3.13 and previous work experience;

3.14 (3) date of first and last employment;

3.15 (4) the existence and status of any complaints or charges against the employee,
3.16 regardless of whether the complaint or charge resulted in a disciplinary action;

3.17 (5) the final disposition of any disciplinary action together with the specific reasons
3.18 for the action and data documenting the basis of the action, excluding data that would
3.19 identify confidential sources who are employees of the public body;

3.20 (6) the complete terms of any agreement settling any dispute arising out of an

3.21 employment relationship, including a buyout agreement as defined in section 123B.143,
3.22 subdivision 2, paragraph (a); except that the agreement must include specific reasons for
3.23 the agreement if it involves the payment of more than \$10,000 of public money;

3.24 (7) work location; a work telephone number; badge number; work-related continuing
3.25 education; and honors and awards received; and

3.26 (8) payroll time sheets or other comparable data that are only used to account for
3.27 employee's work time for payroll purposes, except to the extent that release of time sheet
3.28 data would reveal the employee's reasons for the use of sick or other medical leave
3.29 or other not public data.

3.30 (b) For purposes of this subdivision, a final disposition occurs when the government
3.31 entity makes its final decision about the disciplinary action, regardless of the possibility of
3.32 any later proceedings or court proceedings. Final disposition includes a resignation by an
3.33 individual when the resignation occurs after the final decision of the government entity,
3.34 or arbitrator. In the case of arbitration proceedings arising under collective bargaining
3.35 agreements, a final disposition occurs at the conclusion of the arbitration proceedings,

- 4.1 or upon the failure of the employee to elect arbitration within the time provided by the
- 4.2 collective bargaining agreement. A disciplinary action does not become public data if an
- 4.3 arbitrator sustains a grievance and reverses all aspects of any disciplinary action.
- 4.4 (c) The government entity may display a photograph of a current or former employee
- 4.5 to a prospective witness as part of the government entity's investigation of any complaint
- 4.6 or charge against the employee.
- 4.7 (d) A complainant has access to a statement provided by the complainant to a
- 4.8 government entity in connection with a complaint or charge against an employee.
- 4.9 (e) Notwithstanding paragraph (a), clause (5), and subject to paragraph (f), upon
- 4.10 completion of an investigation of a complaint or charge against a public official, or if a
- 4.11 public official resigns or is terminated from employment while the complaint or charge is
- 4.12 pending, all data relating to the complaint or charge are public, unless access to the data
- 4.13 would jeopardize an active investigation or reveal confidential sources. For purposes
- 4.14 of this paragraph, "public official" means:
- 4.15 (1) the head of a state agency and deputy and assistant state agency heads;
- 4.16 (2) members of boards or commissions required by law to be appointed by the
- 4.17 governor or other elective officers;
- 4.18 (3) executive or administrative heads of departments, bureaus, divisions, or
- 4.19 institutions within state government; and
- 4.20 (4) the following employees:
- 4.21 (i) the chief administrative officer, or the individual acting in an equivalent position,
- 4.22 in all political subdivisions;
- 4.23 (ii) individuals required to be identified by a political subdivision pursuant to section
- 4.24 471.701;
- 4.25 (iii) in a city with a population of more than 7,500 or a county with a population
- 4.26 of more than 5,000, ~~individuals in a management-capacity reporting directly to the chief~~
- 4.27 ~~administrative officer or the individual acting in an equivalent position:~~ managers; chiefs;
- 4.28 heads or directors of departments, divisions, bureaus, or boards; and any equivalent
- 4.29 position; and
- 4.30 (iv) in a school district; business managers; human resource directors, and; athletic
- 4.31 directors; chief financial officers; directors; individuals defined as superintendents; and
- 4.32 ~~principals, and directers~~ under Minnesota Rules, part 3512.0100; and in a charter school,
- 4.33 individuals employed in comparable positions.
- 4.34 (f) Data relating to a complaint or charge against an employee identified under
- 4.35 paragraph (e), clause (4), are public only if:

- 5.1 (1) the complaint or charge results in disciplinary action or the employee resigns or
- 5.2 is terminated from employment while the complaint or charge is pending; or
- 5.3 (2) potential legal claims arising out of the conduct that is the subject of the
- 5.4 complaint or charge are released as part of a settlement agreement ~~with another person.~~
- 5.5 This paragraph and paragraph (e) do not authorize the release of data that are made
- 5.6 not public under other law.

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

5.8 Sec. 5. Minnesota Statutes 2012, section 13.64, subdivision 2, is amended to read:

- 5.9 Subd. 2. **Department of Administration.** (a) Security features of building
- 5.10 plans, building specifications, and building drawings of state-owned facilities and
- 5.11 non-state-owned facilities leased by the state are classified as nonpublic data when
- 5.12 maintained by the Department of Administration and may be shared with anyone as
- 5.13 needed to perform duties of the commissioner.

- 5.14 (b) Data maintained by the Department of Administration that identifies an
- 5.15 individual with a disability or a family member of an individual with a disability related to
- 5.16 services funded by the federal Assistive Technology Act, United States Code, title 29,
- 5.17 section 3002, for assistive technology device demonstrations, transition training, loans,
- 5.18 reuse, or alternative financing are private data.

5.19 Sec. 6. Minnesota Statutes 2012, section 13.72, subdivision 10, is amended to read:

- 5.20 Subd. 10. **Transportation service data.** Personal, medical, financial, familial, or
- 5.21 locational information data pertaining to applicants for or users of services providing
- 5.22 transportation for the disabled or elderly, ~~with the exception of the name of the applicant~~
- 5.23 ~~or user of the service,~~ are private.

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

5.25 Sec. 7. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to

5.26 read:

- 5.27 Subd. 18. **Mileage-based user fees.** (a) The following data pertaining to
- 5.28 participation in the Minnesota road use test, as required by Laws 2007, chapter 143,
- 5.29 article 1, section 3, subdivision 3, paragraph (a), clause (1), are classified as nonpublic
- 5.30 or private data:

- 5.31 (1) names of participants, participants' contact information, and data contained in
- 5.32 applications for participation in the Minnesota road use test;

- 6.1 (2) applications for the purchase, lease, or rental of the GPS navigation device;
- 6.2 (3) participants' vehicle identification data;
- 6.3 (4) financial and credit data; and
- 6.4 (5) participants' road usage data.
- 6.5 (b) Nothing in this section prohibits the production of summary data, as defined in
- 6.6 section 13.02, subdivision 19, as it pertains to types of vehicles used and road usage
- 6.7 data, as long as the participants' identities or any other characteristic that could uniquely
- 6.8 identify participants are not ascertainable.
- 6.9 (c) Notwithstanding section 13.03, subdivision 6, the Department of Transportation
- 6.10 shall only produce the data made not public under this subdivision to federal, state, and
- 6.11 local law enforcement authorities acting pursuant to a valid probable cause search warrant.
- 6.12 Sec. 8. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to
- 6.13 read:
- 6.14 Subd. 19. **Construction manager/general contractor data.** (a) When the
- 6.15 Department of Transportation undertakes a construction manager/general contractor
- 6.16 contract, as defined and authorized in sections 161.3207 to 161.3209, the provisions
- 6.17 of this subdivision apply.
- 6.18 (b) When the commissioner of transportation solicits a request for qualifications:
- 6.19 (1) the following data are classified as protected nonpublic:
- 6.20 (i) the statement of qualifications scoring evaluation manual; and
- 6.21 (ii) the statement of qualifications evaluations;
- 6.22 (2) the statement of qualifications submitted by a potential construction
- 6.23 manager/general contractor is classified as nonpublic data; and
- 6.24 (3) identifying information concerning the members of the Technical Review
- 6.25 Committee is classified as private data.
- 6.26 (c) When the commissioner of transportation announces the short list of qualified
- 6.27 construction managers/general contractors, the following data become public:
- 6.28 (1) the statement of qualifications scoring evaluation manual; and
- 6.29 (2) the statement of qualifications evaluations.
- 6.30 (d) When the commissioner of transportation solicits a request for proposals:
- 6.31 (1) the proposal scoring manual is classified as protected nonpublic data; and
- 6.32 (2) the following data are classified as nonpublic data:
- 6.33 (i) the proposals submitted by a potential construction manager/general contractor;
- 6.34 and
- 6.35 (ii) the proposal evaluations.

- 7.1 (e) When the commissioner of transportation has completed the ranking of proposals
- 7.2 and announces the selected construction manager/general contractor, the proposal
- 7.3 evaluation score or rank and proposal evaluations become public data.
- 7.4 (f) When the commissioner of transportation conducts contract negotiations
- 7.5 with a construction manager/general contractor, government data created, collected,
- 7.6 stored, and maintained during those negotiations are nonpublic data until a construction
- 7.7 manager/general contractor contract is fully executed.
- 7.8 (g) When the construction manager/general contractor contract is fully executed or
- 7.9 when the commissioner of transportation decides to use another contract procurement
- 7.10 process, other than the construction manager/general contractor authority, authorized
- 7.11 under section 161.3209, subdivision 3, paragraph (b), all remaining data not already made
- 7.12 public under this subdivision become public.
- 7.13 (h) If the commissioner of transportation rejects all responses to a request for
- 7.14 proposals before a construction manager/general contractor contract is fully executed, all
- 7.15 data, other than that data made public under this subdivision, retains its classification
- 7.16 until a resolicitation of the request for proposals results in a fully executed construction
- 7.17 manager/general contractor contract or a determination is made to abandon the project. If
- 7.18 a resolicitation of proposals does not occur within one year of the announcement of the
- 7.19 request for proposals, the remaining data become public.
- 7.20 Sec. 9. Minnesota Statutes 2012, section 13.72, is amended by adding a subdivision to
- 7.21 read:
- 7.22 Subd. 20. **Transit customer data.** (a) Data on applicants, users, and customers
- 7.23 of public transit collected by or through the Metropolitan Council's personalized Web
- 7.24 services or the regional fare collection system are private data on individuals. As used in
- 7.25 this subdivision, the following terms have the meanings given them:
- 7.26 (1) "regional fare collection system" means the fare collection system created and
- 7.27 administered by the council that is used for collecting fares or providing fare cards or
- 7.28 passes for transit services, which include:
- 7.29 (i) regular route bus service within the metropolitan area and paratransit service,
- 7.30 whether provided by the council or by other providers of regional transit service;
- 7.31 (ii) light rail transit service within the metropolitan area;
- 7.32 (iii) rideshare programs administered by the council;
- 7.33 (iv) special transportation services provided under section 473.386; and
- 7.34 (v) commuter rail service;

- 8.1 (2) "personalized Web services" means services for which transit service applicants,
8.2 users, and customers must establish a user account; and
8.3 (3) "metropolitan area" means the area defined in section 473.121, subdivision 2.
8.4 (b) The Metropolitan Council may disseminate data on applicant, user, and customer
8.5 transaction history and fare card use to government entities, organizations, school districts,
8.6 educational institutions, and employers that subsidize fares or provide fare cards or passes
8.7 to their clients, students, or employees.
8.8 (c) The Metropolitan Council may disseminate transit service applicant, user, and
8.9 customer data:
8.10 (1) to another government entity to prevent unlawful intrusion into government
8.11 electronic systems;
8.12 (2) to its Metropolitan Transit Police and other law enforcement agencies conducting
8.13 investigations; or
8.14 (3) as otherwise provided by law.

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

8.16 Sec. 10. **[144.192] TREATMENT OF BIOLOGICAL SPECIMENS AND**

8.17 **HEALTH DATA HELD BY THE DEPARTMENT OF HEALTH AND HEALTH**
8.18 **BOARDS.**

- 8.19 Subdivision 1. Definitions. (a) For purposes of this section, the following terms
8.20 have the meanings given.
8.21 (b) "Biological specimen" means tissue, fluids, excretions, or secretions that contain
8.22 human DNA originating from an identifiable individual, either living or deceased.
8.23 Biological specimen does not include infectious agents or chemicals that are isolated from a
8.24 specimen. Nothing in this section or section 13.386 is intended to limit the commissioner's
8.25 ability to collect, use, store, or disseminate such isolated infectious agents or chemicals.
8.26 (c) "Health data" has the meaning given in section 13.3805, subdivision 1, paragraph
8.27 (a), clause (2).
8.28 (d) "Health oversight" means oversight of the health care system for activities
8.29 authorized by law, limited to the following:
8.30 (1) audits;
8.31 (2) civil, administrative, or criminal investigations;
8.32 (3) inspections;
8.33 (4) licensure or disciplinary actions;
8.34 (5) civil, administrative, or criminal proceedings or actions; and

- 9.1 (6) other activities necessary for appropriate oversight of the health care system and
- 9.2 persons subject to such governmental regulatory programs for which biological specimens
- 9.3 or health data are necessary for determining compliance with program standards.
- 9.4 (e) "Individual" has the meaning given in section 13.02, subdivision 8. In addition,
- 9.5 for a deceased individual, individual also means the representative of the decedent.
- 9.6 (f) "Person" has the meaning given in section 13.02, subdivision 10.
- 9.7 (g) "Program operations" means actions, testing, and procedures directly related to
- 9.8 the operation of department programs, limited to the following:
- 9.9 (1) diagnostic and confirmatory testing;
- 9.10 (2) laboratory quality control assurance and improvement;
- 9.11 (3) calibration of equipment;
- 9.12 (4) evaluation and improvement of test accuracy;
- 9.13 (5) method development and validation;
- 9.14 (6) compliance with regulatory requirements; and
- 9.15 (7) continuity of operations to ensure that testing continues in the event of an
- 9.16 emergency.
- 9.17 (h) "Public health practice" means actions related to disease, conditions, injuries,
- 9.18 risk factors, or exposures taken to protect public health, limited to the following:
- 9.19 (1) monitoring the health status of a population;
- 9.20 (2) investigating occurrences and outbreaks;
- 9.21 (3) comparing patterns and trends;
- 9.22 (4) implementing prevention and control measures;
- 9.23 (5) conducting program evaluations and making program improvements;
- 9.24 (6) making recommendations concerning health for a population;
- 9.25 (7) preventing or controlling known or suspected diseases and injuries; and
- 9.26 (8) conducting other activities necessary to protect or improve the health of
- 9.27 individuals and populations for which biological specimens or health data are necessary.
- 9.28 (i) "Representative of the decedent" has the meaning given in section 13.10,
- 9.29 subdivision 1, paragraph (c).
- 9.30 (j) "Research" means activities that are not program operations, public health
- 9.31 practice, or health oversight, and is otherwise defined in Code of Federal Regulations, title
- 9.32 45, part 46, subpart A, section 46.102(d).
- 9.33 Subd. 2. **Collection, use, storage, and dissemination.** (a) The commissioner may
- 9.34 collect, use, store, and disseminate biological specimens and health data, genetic or other,
- 9.35 as provided in this section and as authorized under any other provision of applicable law,

- 10.1 including any rules adopted on or before June 30, 2013. Any rules adopted after June 30,
- 10.2 2013, must be consistent with the requirements of this section.
- 10.3 (b) The provisions in this section supplement other provisions of law and do not
- 10.4 supersede or repeal other provisions of law applying to the collection, use, storage, or
- 10.5 dissemination of biological specimens or health data.
- 10.6 (c) For purposes of this section, genetic information is limited to biological
- 10.7 specimens and health data.
- 10.8 Subd. 3. **Biological specimens and health data for program operations, public**
- 10.9 **health practice, and health oversight.** (a) The commissioner may collect, use, store, and
- 10.10 disseminate biological specimens and health data to conduct program operations activities,
- 10.11 public health practice activities, and health oversight activities. Unless required under
- 10.12 other applicable law, consent of an individual is not required under this subdivision.
- 10.13 (b) With the approval of the commissioner, biological specimens may be
- 10.14 disseminated to establish a diagnosis, to provide treatment, to identify persons at risk of
- 10.15 illness, to conduct an epidemiologic investigation to control or prevent the spread of
- 10.16 serious disease, or to diminish an imminent threat to the public health.
- 10.17 (c) For purposes of Clinical Laboratory Improvement Amendments proficiency
- 10.18 testing, the commissioner may disseminate de-identified biological specimens to state
- 10.19 public health laboratories that agree, pursuant to contract, not to attempt to re-identify
- 10.20 the biological specimens.
- 10.21 (d) Health data may be disseminated as provided in section 13.3805, subdivision 1,
- 10.22 paragraph (b).
- 10.23 Subd. 4. **Research.** The commissioner may collect, use, store, and disseminate
- 10.24 biological specimens and health data to conduct research in a manner that is consistent
- 10.25 with the federal common rule for the protection of human subjects in Code of Federal
- 10.26 Regulations, title 45, part 46.
- 10.27 Subd. 5. **Storage of biological specimens and health data according to storage**
- 10.28 **schedules.** (a) The commissioner shall store health data according to section 138.17.
- 10.29 (b) The commissioner shall store biological specimens according to a specimen
- 10.30 storage schedule. The commissioner shall develop the storage schedule by July 1, 2013,
- 10.31 and post it on the department's Web site.
- 10.32 Subd. 6. **Secure storage of biological specimens.** The commissioner shall establish
- 10.33 appropriate security safeguards for the storage of biological specimens, with regard for
- 10.34 the privacy of the individuals from whom the biological specimens originated, and store
- 10.35 the biological specimens accordingly. When a biological specimen is disposed of, it

- 11.1 must be destroyed in a way that prevents determining the identity of the individual from
- 11.2 whom it originated.
- 11.3 Subd. 7. **Applicability to health boards.** The provisions of subdivisions 2; 3,
- 11.4 paragraphs (a), (c), and (d); and 4 to 6 pertaining to the commissioner also apply to boards
- 11.5 of health and community health boards organized under chapter 145A. These boards
- 11.6 may also disseminate health data pursuant to section 13.3805, subdivision 1, paragraph
- 11.7 (b), clause (2).
- 11.8 **EFFECTIVE DATE.** This section is effective July 1, 2013.
- 11.9 Sec. 11. Minnesota Statutes 2012, section 144.966, subdivision 2, is amended to read:
- 11.10 Subd. 2. **Newborn Hearing Screening Advisory Committee.** (a) The
- 11.11 commissioner of health shall establish a Newborn Hearing Screening Advisory Committee
- 11.12 to advise and assist the Department of Health and the Department of Education in:
- 11.13 (1) developing protocols and timelines for screening, rescreening, and diagnostic
- 11.14 audiological assessment and early medical, audiological, and educational intervention
- 11.15 services for children who are deaf or hard-of-hearing;
- 11.16 (2) designing protocols for tracking children from birth through age three that may
- 11.17 have passed newborn screening but are at risk for delayed or late onset of permanent
- 11.18 hearing loss;
- 11.19 (3) designing a technical assistance program to support facilities implementing the
- 11.20 screening program and facilities conducting rescreening and diagnostic audiological
- 11.21 assessment;
- 11.22 (4) designing implementation and evaluation of a system of follow-up and tracking;
- 11.23 and
- 11.24 (5) evaluating program outcomes to increase effectiveness and efficiency and ensure
- 11.25 culturally appropriate services for children with a confirmed hearing loss and their families.
- 11.26 (b) The commissioner of health shall appoint at least one member from each of the
- 11.27 following groups with no less than two of the members being deaf or hard-of-hearing:
- 11.28 (1) a representative from a consumer organization representing culturally deaf
- 11.29 persons;
- 11.30 (2) a parent with a child with hearing loss representing a parent organization;
- 11.31 (3) a consumer from an organization representing oral communication options;
- 11.32 (4) a consumer from an organization representing cued speech communication
- 11.33 options;
- 11.34 (5) an audiologist who has experience in evaluation and intervention of infants
- 11.35 and young children;

- 12.1 (6) a speech-language pathologist who has experience in evaluation and intervention
- 12.2 of infants and young children;
- 12.3 (7) two primary care providers who have experience in the care of infants and young
- 12.4 children, one of which shall be a pediatrician;
- 12.5 (8) a representative from the early hearing detection intervention teams;
- 12.6 (9) a representative from the Department of Education resource center for the deaf
- 12.7 and hard-of-hearing or the representative's designee;
- 12.8 (10) a representative of the Commission of Deaf, DeafBlind and Hard-of-Hearing
- 12.9 Minnesotans;
- 12.10 (11) a representative from the Department of Human Services Deaf and
- 12.11 Hard-of-Hearing Services Division;
- 12.12 (12) one or more of the Part C coordinators from the Department of Education, the
- 12.13 Department of Health, or the Department of Human Services or the department's designees;
- 12.14 (13) the Department of Health early hearing detection and intervention coordinators;
- 12.15 (14) two birth hospital representatives from one rural and one urban hospital;
- 12.16 (15) a pediatric geneticist;
- 12.17 (16) an otolaryngologist;
- 12.18 (17) a representative from the Newborn Screening Advisory Committee under
- 12.19 this subdivision; and
- 12.20 (18) a representative of the Department of Education regional low-incidence
- 12.21 facilitators.
- 12.22 The commissioner must complete the appointments required under this subdivision by
- 12.23 September 1, 2007.
- 12.24 (c) The Department of Health member shall chair the first meeting of the committee.
- 12.25 At the first meeting, the committee shall elect a chair from its membership. The committee
- 12.26 shall meet at the call of the chair, at least four times a year. The committee shall adopt
- 12.27 written bylaws to govern its activities. The Department of Health shall provide technical
- 12.28 and administrative support services as required by the committee. These services shall
- 12.29 include technical support from individuals qualified to administer infant hearing screening,
- 12.30 rescreening, and diagnostic audiological assessments.
- 12.31 Members of the committee shall receive no compensation for their service, but
- 12.32 shall be reimbursed as provided in section 15.059 for expenses incurred as a result of
- 12.33 their duties as members of the committee.
- 12.34 (d) This subdivision expires June 30, ~~2013~~ 2019.

12.35 Sec. 12. Minnesota Statutes 2012, section 144.966, subdivision 3, is amended to read:

- 13.1 Subd. 3. **Early hearing detection and intervention programs.** All hospitals
- 13.2 shall establish an early hearing detection and intervention (EHDI) program. Each EHDI
- 13.3 program shall:
- 13.4 (1) in advance of any hearing screening testing, provide to the newborn's or infant's
- 13.5 parents or parent information concerning the nature of the screening procedure, applicable
- 13.6 costs of the screening procedure, the potential risks and effects of hearing loss, and the
- 13.7 benefits of early detection and intervention;
- 13.8 (2) comply with parental consent under section 144.125, subdivision 3 4;
- 13.9 (3) develop policies and procedures for screening and rescreening based on
- 13.10 Department of Health recommendations;
- 13.11 (4) provide appropriate training and monitoring of individuals responsible for
- 13.12 performing hearing screening tests as recommended by the Department of Health;
- 13.13 (5) test the newborn's hearing prior to discharge, or, if the newborn is expected to
- 13.14 remain in the hospital for a prolonged period, testing shall be performed prior to three
- 13.15 months of age or when medically feasible;
- 13.16 (6) develop and implement procedures for documenting the results of all hearing
- 13.17 screening tests;
- 13.18 (7) inform the newborn's or infant's parents or parent, primary care physician, and
- 13.19 the Department of Health according to recommendations of the Department of Health of
- 13.20 the results of the hearing screening test or rescreening if conducted, or if the newborn or
- 13.21 infant was not successfully tested. The hospital that discharges the newborn or infant to
- 13.22 home is responsible for the screening; and
- 13.23 (8) collect performance data specified by the Department of Health.
- 13.24 **EFFECTIVE DATE.** This section is effective July 1, 2013.
- 13.25 Sec. 13. Minnesota Statutes 2012, section 144.966, is amended by adding a subdivision
- 13.26 to read:
- 13.27 **Subd. 8. Construction.** Notwithstanding anything to the contrary, nothing in this
- 13.28 section shall be construed as constituting newborn screening activities conducted under
- 13.29 sections 144.125 to 144.128.
- 13.30 **EFFECTIVE DATE.** This section is effective July 1, 2013.
- 13.31 Sec. 14. Minnesota Statutes 2012, section 144.966, is amended by adding a subdivision
- 13.32 to read:

14.1 Subd. 9. **Data collected.** Data collected by or submitted to the Department of
14.2 Health pursuant to this section are not subject to section 144.125, subdivisions 6 to 9.

14.3 Sec. 15. Minnesota Statutes 2012, section 171.07, subdivision 1a, is amended to read:

14.4 Subd. 1a. **Filing photograph or image; data classification.** The department shall
14.5 file, or contract to file, all photographs or electronically produced images obtained in the
14.6 process of issuing drivers' licenses or Minnesota identification cards. The photographs or
14.7 electronically produced images shall be private data pursuant to section 13.02, subdivision
14.8 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required
14.9 to provide copies of photographs or electronically produced images to data subjects.
14.10 The use of the files is restricted:

14.11 (1) to the issuance and control of drivers' licenses;
14.12 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
14.13 investigation and prosecution of crimes, service of process, enforcement of no contact
14.14 orders, location of missing persons, investigation and preparation of cases for criminal,
14.15 juvenile, and traffic court, and supervision of offenders;
14.16 (3) to public defenders, as defined in section 611.272, for the investigation and
14.17 preparation of cases for criminal, juvenile, and traffic courts; and
14.18 (4) to child support enforcement purposes under section 256.978; and
14.19 (5) to a county medical examiner or coroner as required by section 390.005 as
14.20 necessary to fulfill the duties under sections 390.11 and 390.25.

14.21 Sec. 16. Minnesota Statutes 2012, section 268.19, subdivision 1, is amended to read:

14.22 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered
14.23 from any person under the administration of the Minnesota Unemployment Insurance Law
14.24 are private data on individuals or nonpublic data not on individuals as defined in section
14.25 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court
14.26 order or section 13.05. A subpoena is not considered a district court order. These data
14.27 may be disseminated to and used by the following agencies without the consent of the
14.28 subject of the data:

14.29 (1) state and federal agencies specifically authorized access to the data by state
14.30 or federal law;
14.31 (2) any agency of any other state or any federal agency charged with the
14.32 administration of an unemployment insurance program;
14.33 (3) any agency responsible for the maintenance of a system of public employment
14.34 offices for the purpose of assisting individuals in obtaining employment;

- 15.1 (4) the public authority responsible for child support in Minnesota or any other
- 15.2 state in accordance with section 256.978;
- 15.3 (5) human rights agencies within Minnesota that have enforcement powers;
- 15.4 (6) the Department of Revenue to the extent necessary for its duties under Minnesota
- 15.5 laws;
- 15.6 (7) public and private agencies responsible for administering publicly financed
- 15.7 assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- 15.8 (8) the Department of Labor and Industry and the Division of Insurance Fraud
- 15.9 Prevention in the Department of Commerce for uses consistent with the administration of
- 15.10 their duties under Minnesota law;
- 15.11 (9) local and state welfare agencies for monitoring the eligibility of the data subject
- 15.12 for assistance programs, or for any employment or training program administered by those
- 15.13 agencies, whether alone, in combination with another welfare agency, or in conjunction
- 15.14 with the department or to monitor and evaluate the statewide Minnesota family investment
- 15.15 program by providing data on recipients and former recipients of food stamps or food
- 15.16 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance
- 15.17 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;
- 15.18 (10) local and state welfare agencies for the purpose of identifying employment,
- 15.19 wages, and other information to assist in the collection of an overpayment debt in an
- 15.20 assistance program;
- 15.21 (11) local, state, and federal law enforcement agencies for the purpose of ascertaining
- 15.22 the last known address and employment location of an individual who is the subject of
- 15.23 a criminal investigation;
- 15.24 (12) the United States Immigration and Customs Enforcement has access to data on
- 15.25 specific individuals and specific employers provided the specific individual or specific
- 15.26 employer is the subject of an investigation by that agency;
- 15.27 (13) the Department of Health for the purposes of epidemiologic investigations;
- 15.28 (14) the Department of Corrections for the purpose of case planning for preprobation
- 15.29 and postprobation employment tracking of offenders sentenced to probation and
- 15.30 preconfinement and postconfinement employment tracking of committed offenders for
- 15.31 the purpose of case planning; and
- 15.32 (15) the state auditor to the extent necessary to conduct audits of job opportunity
- 15.33 building zones as required under section 469.3201.
- 15.34 (b) Data on individuals and employers that are collected, maintained, or used by
- 15.35 the department in an investigation under section 268.182 are confidential as to data
- 15.36 on individuals and protected nonpublic data not on individuals as defined in section

- 16.1 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district
- 16.2 court order or to a party named in a criminal proceeding, administrative or judicial, for
- 16.3 preparation of a defense.
- 16.4 (c) Data gathered by the department in the administration of the Minnesota
- 16.5 unemployment insurance program must not be made the subject or the basis for any
- 16.6 suit in any civil proceedings, administrative or judicial, unless the action is initiated by
- 16.7 the department.
- 16.8 Sec. 17. Minnesota Statutes 2012, section 299C.11, subdivision 1, is amended to read:
- 16.9 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of
- 16.10 police shall furnish the bureau, upon such form as the superintendent shall prescribe, with
- 16.11 such finger and thumb prints, photographs, distinctive physical mark identification data,
- 16.12 information on known aliases and street names, and other identification data as may be
- 16.13 requested or required by the superintendent of the bureau, which must be taken under the
- 16.14 provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this
- 16.15 identification data to the bureau for individuals found to have been convicted of a felony,
- 16.16 gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding
- 16.17 their arrest. When the bureau learns that an individual who is the subject of a background
- 16.18 check has used, or is using, identifying information, including, but not limited to, name
- 16.19 and date of birth, other than those listed on the criminal history, the bureau may add the
- 16.20 new identifying information to the criminal history when supported by fingerprints.
- 16.21 (b) No petition under chapter 609A is required if the person has not been convicted
- 16.22 of any felony or gross misdemeanor, either within or without the state, within the period
- 16.23 of ten years immediately preceding the determination of all pending criminal actions or
- 16.24 proceedings in favor of the arrested person, and either of the following occurred:
- 16.25 (1) all charges were dismissed prior to a determination of probable cause; or
- 16.26 (2) the prosecuting authority declined to file any charges and a grand jury did not
- 16.27 return an indictment.
- 16.28 Where these conditions are met, the bureau or agency shall, upon demand, ~~return to~~
- 16.29 destroy the arrested person's finger and thumb prints, photographs, distinctive
- 16.30 physical mark identification data, information on known aliases and street names, and
- 16.31 other identification data, and all copies and duplicates of them.
- 16.32 (c) Except as otherwise provided in paragraph (b), upon the determination of all
- 16.33 pending criminal actions or proceedings in favor of the arrested person, and the granting
- 16.34 of the petition of the arrested person under chapter 609A, the bureau shall seal finger and
- 16.35 thumb prints, photographs, distinctive physical mark identification data, information on

17.1 known aliases and street names, and other identification data, and all copies and duplicates
17.2 of them if the arrested person has not been convicted of any felony or gross misdemeanor,
17.3 either within or without the state, within the period of ten years immediately preceding
17.4 such determination.

17.5 Sec. 18. Minnesota Statutes 2012, section 299C.46, subdivision 1, is amended to read:

17.6 Subdivision 1. **Establishment; interconnection.** The commissioner of public safety
17.7 shall establish a criminal justice data communications network ~~which that will enable the~~
17.8 ~~interconnection of the criminal justice agencies within the state~~ provide secure access to
17.9 systems and services available from or through the Bureau of Criminal Apprehension. The
17.10 commissioner of public safety is authorized to lease or purchase facilities and equipment
17.11 as may be necessary to establish and maintain the data communications network.

17.12 Sec. 19. Minnesota Statutes 2012, section 299C.46, subdivision 2, is amended to read:

17.13 Subd. 2. **Criminal justice agency defined.** For the purposes of sections 299C.46
17.14 to 299C.49, "criminal justice agency" means an agency of the state or ~~an agency of a~~
17.15 political subdivision or the federal government charged with detection, enforcement,
17.16 prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this
17.17 state. This definition also includes all sites identified and licensed as a detention facility
17.18 by the commissioner of corrections under section 241.021 and those federal agencies that
17.19 serve part or all of the state from an office located outside the state.

17.20 Sec. 20. Minnesota Statutes 2012, section 299C.46, subdivision 2a, is amended to read:

17.21 Subd. 2a. **Noncriminal justice agency defined.** For the purposes of sections
17.22 299C.46 to 299C.49, "noncriminal justice agency" means an agency of ~~a the state or an~~
17.23 agency of a political subdivision of a the state charged with the responsibility of performing
17.24 checks of state databases connected to the criminal justice data communications network.

17.25 Sec. 21. Minnesota Statutes 2012, section 299C.46, subdivision 3, is amended to read:

17.26 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications
17.27 network shall be used exclusively by:

17.28 (1) criminal justice agencies in connection with the performance of duties required
17.29 by law;

17.30 (2) agencies investigating federal security clearances of individuals for assignment
17.31 or retention in federal employment with duties related to national security, as required by

17.32 Public Law 99-169 United States Code, title 5, section 9101;

- 18.1 (3) other agencies to the extent necessary to provide for protection of the public or
- 18.2 property in ~~an~~ a declared emergency or disaster situation;
- 18.3 (4) noncriminal justice agencies statutorily mandated, by state or national law, to
- 18.4 conduct checks into state databases prior to disbursing licenses or providing benefits;
- 18.5 (5) the public authority responsible for child support enforcement in connection
- 18.6 with the performance of its duties;
- 18.7 (6) the public defender, as provided in section 611.272; ~~and~~
- 18.8 (7) a county attorney or the attorney general, as the county attorney's designee, for
- 18.9 the purpose of determining whether a petition for the civil commitment of a proposed
- 18.10 patient as a sexual psychopathic personality or as a sexually dangerous person should be
- 18.11 filed, and during the pendency of the commitment proceedings;
- 18.12 (8) an agency of the state or a political subdivision whose access to systems or
- 18.13 services provided from or through the Bureau of Criminal Apprehension is specifically
- 18.14 authorized by federal law or regulation or state statute; and
- 18.15 (9) a court for access to data as authorized by federal law or regulation or state
- 18.16 statute and related to the disposition of a pending case.
- 18.17 (b) The commissioner of public safety shall establish a monthly network access
- 18.18 charge to be paid by each participating criminal justice agency. The network access
- 18.19 charge shall be a standard fee established for each terminal, computer, or other equipment
- 18.20 directly addressable by the data communications network, as follows: January 1, 1984
- 18.21 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50
- 18.22 connect fee per month.
- 18.23 (c) The commissioner of public safety is authorized to arrange for the connection
- 18.24 of the data communications network with the criminal justice information system of
- 18.25 the federal government, any ~~adjacent~~ state, or Canada country for the secure exchange
- 18.26 of information for any of the purposes authorized in paragraph (a), clauses (1), (2), (3),
- 18.27 (8), and (9).
- 18.28 (d) Prior to establishing a secure connection, a criminal justice agency must:
- 18.29 (1) agree to comply with all applicable policies governing access to, submission of,
- 18.30 or use of the data;
- 18.31 (2) meet the Bureau of Criminal Apprehension's security requirements;
- 18.32 (3) agree to pay any required fees; and
- 18.33 (4) conduct fingerprint-based state and national background checks on its employees
- 18.34 and contractors as required by the Federal Bureau of Investigation.
- 18.35 (e) Prior to establishing a secure connection, a noncriminal justice agency must:

- 19.1 (1) agree to comply with all applicable policies governing access to, submission of,
19.2 or use of the data;
- 19.3 (2) meet the Bureau of Criminal Apprehension's security requirements;
- 19.4 (3) agree to pay any required fees; and
- 19.5 (4) conduct fingerprint-based state and national background checks on its employees
19.6 and contractors.
- 19.7 (f) Those noncriminal justice agencies that do not have a secure network connection
19.8 yet receive data either retrieved over the secure network by an authorized criminal justice
19.9 agency or as a result of a state or federal criminal history records check shall conduct a
19.10 background check as provided in paragraph (g) of those individuals who receive and
19.11 review the data to determine another individual's eligibility for employment, housing, a
19.12 license, or another legal right dependent on a statutorily-mandated background check.
- 19.13 (g) The background check required by paragraph (e) or (f) is accomplished by
19.14 submitting a request to the superintendent of the Bureau of Criminal Apprehension
19.15 that includes a signed, written consent for the Minnesota and national criminal history
19.16 records check, fingerprints, and the required fee. The superintendent may exchange the
19.17 fingerprints with the Federal Bureau of Investigation for purposes of obtaining the
19.18 individual's national criminal history record information.
- 19.19 The superintendent shall return the results of the national criminal history records check to
19.20 the noncriminal justice agency to determine if the individual is qualified to have access to
19.21 state and federal criminal history record information or the secure network. An individual
19.22 is disqualified when the state and federal criminal history record information shows any of
19.23 the disqualifiers that the individual will apply to the records of others.
- 19.24 When the individual is to have access to the secure network, the noncriminal justice
19.25 agency will review the criminal history of each employee or contractor with the Criminal
19.26 Justice Information Services systems officer at the Bureau of Criminal Apprehension, or
19.27 the officer's designee, to determine if the employee or contractor qualifies for access to the
19.28 secure network. The Criminal Justice Information Services systems officer or the designee
19.29 will make the access determination based on Federal Bureau of Investigation policy and
19.30 Bureau of Criminal Apprehension policy.

19.31 **Sec. 22. [299C.72] MINNESOTA CRIMINAL HISTORY CHECKS.**

19.32 **Subdivision 1. Definitions.** For purposes of this section, the following terms have
19.33 the meanings given.

19.34 (a) "Applicant for employment" means an individual who seeks either county or city
19.35 employment or has applied to serve as a volunteer in the county or city.

20.1 (b) "Applicant for licensure" means an individual who seeks a license issued by the
20.2 county or city which is not subject to a federal or state-mandated background check.
20.3 (c) "Authorized law enforcement agency" means the county sheriff for checks
20.4 conducted for county purposes, the police department for checks conducted for city
20.5 purposes, or the county sheriff for checks conducted for city purposes where there is no
20.6 police department.
20.7 (d) "Criminal history check" means retrieval of criminal history data via the secure
20.8 network described in section 299C.46.
20.9 (e) "Criminal history data" means adult convictions and adult open arrests less than
20.10 one year old found in the Minnesota computerized criminal history repository.
20.11 (f) "Informed consent" has the meaning given in section 13.05, subdivision 4,
20.12 paragraph (d).
20.13 Subd. 2. **Criminal history check authorized.** (a) The criminal history check
20.14 authorized by this section cannot be used in place of a statutorily-mandated or authorized
20.15 background check.
20.16 (b) An authorized law enforcement agency may conduct a criminal history check
20.17 of an individual who is an applicant for employment or applicant for licensure. Prior
20.18 to conducting the criminal history check, the authorized law enforcement agency must
20.19 receive the informed consent of the individual.
20.20 (c) The authorized law enforcement agency cannot disseminate criminal history
20.21 data and must maintain the data securely with the agency's office. The authorized law
20.22 enforcement agency can indicate whether the applicant for employment or applicant for
20.23 licensure has a criminal history that would prevent hire or acceptance as a volunteer
20.24 to a hiring authority, or would prevent the issuance of a license to the department that
20.25 issues the license.

20.26 Sec. 23. Minnesota Statutes 2012, section 299F.035, subdivision 1, is amended to read:

20.27 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this
20.28 section.

20.29 (b) "Minnesota criminal history data" has the meaning given in section 13.87 means
20.30 adult convictions and juvenile adjudications.

20.31 (c) "Criminal justice agency" has the meaning given in section 299C.46, subdivision

20.32 2.

20.33 (d) "Fire department" has the meaning given in section 299N.01, subdivision 2.

20.34 (e) (d) "Private data" has the meaning given in section 13.02, subdivision 12.

21.1 Sec. 24. Minnesota Statutes 2012, section 299F.035, subdivision 2, is amended to read:

21.2 Subd. 2. **Plan for access to data.** (a) ~~The superintendent of the Bureau of Criminal~~

21.3 ~~Apprehension, in consultation with the state fire marshal, shall develop and implement~~

21.4 ~~a plan for fire departments to have access to criminal history data A background check~~

21.5 ~~must be conducted on all applicants for employment and may be conducted on current~~

21.6 ~~employees at a fire department. The fire chief must conduct a Minnesota criminal history~~

21.7 ~~record check. For applicants for employment who have lived in Minnesota for less than~~

21.8 ~~five years, or on the request of the fire chief, a national criminal history record check~~

21.9 ~~must also be conducted.~~

21.10 ~~(b) The plan must include:~~

21.11 ~~(1) security procedures to prevent unauthorized use or disclosure of private data; and~~

21.12 ~~(2) a procedure for the hiring or employing authority in each fire department to~~

21.13 ~~fingerprint job applicants or employees; submit requests to the Bureau of Criminal~~

21.14 ~~Apprehension, and obtain state and federal criminal history data reports for a nominal fee.~~

21.15 ~~(b) For a Minnesota criminal history record check, the fire chief must either (i)~~

21.16 ~~submit the signed informed consent of the applicant or employee and the required fee to~~

21.17 ~~the superintendent, or (ii) submit the signed informed consent to the chief of police. The~~

21.18 ~~superintendent or chief must retrieve Minnesota criminal history data and provide the~~

21.19 ~~data to the fire chief for review.~~

21.20 ~~(c) For a national criminal history record check, the fire chief must submit the~~

21.21 ~~signed informed consent and fingerprints of the applicant or employee, and the required~~

21.22 ~~fee, to the superintendent. The superintendent may exchange the fingerprints with the~~

21.23 ~~Federal Bureau of Investigation to obtain the individual's national criminal history record~~

21.24 ~~information. The superintendent must return the results of the national criminal history~~

21.25 ~~record check to the fire chief for the purpose of determining if the applicant is qualified to~~

21.26 ~~be employed or if a current employee is able to retain the employee's position.~~

21.27 Sec. 25. Minnesota Statutes 2012, section 299F.77, is amended to read:

21.28 **299F.77 ISSUANCE TO CERTAIN PERSONS PROHIBITED.**

21.29 Subdivision 1. Disqualifiers. The following persons shall not be entitled to receive
21.30 an explosives license or permit:

21.31 (1) a person under the age of 18 years;

21.32 (2) a person who has been convicted in this state or elsewhere of a crime of violence,

21.33 as defined in section 299F.72, subdivision 1b, unless ten years have elapsed since the

21.34 person's civil rights have been restored or the sentence has expired, whichever occurs first,

21.35 and during that time the person has not been convicted of any other crime of violence. For

- 22.1 purposes of this section, crime of violence includes crimes in other states or jurisdictions that would have been crimes of violence if they had been committed in this state;
- 22.2
- 22.3 (3) a person who is or has ever been confined or committed in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person is no longer suffering from this disability;
- 22.4
- 22.5 (4) a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years; and
- 22.6
- 22.7 (5) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as chemically dependent, as defined in section 253B.02, unless the person has completed treatment.
- 22.8
- 22.9 Subd. 2. Background check. (a) For licenses issued by the commissioner under section 299F.73, the applicant for licensure must provide the commissioner with all of the information required by Code of Federal Regulations, title 28, section 25.7.
- 22.10 The commissioner will forward the information to the superintendent of the Bureau of Criminal Apprehension so that criminal records, histories, and warrant information on the applicant can be retrieved from the Minnesota Crime Information System and the National Instant Criminal Background Check System, as well as the civil commitment records maintained by the Department of Human Services. The results must be returned to the commissioner to determine if the individual applicant is qualified to receive a license.
- 22.11
- 22.12 (b) For permits issued by a county sheriff or chief of police under section 299F.75, the applicant for a permit must provide the county sheriff or chief of police with all of the information required by Code of Federal Regulations, title 28, section 25.7. The county sheriff or chief of police must check, by means of electronic data transfer, criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System and the National Instant Criminal Background Check System, as well as the civil commitment records maintained by the Department of Human Services.
- 22.13
- 22.14 The county sheriff or police chief shall use the results of the query to determine if the individual applicant is qualified to receive a permit.
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23.1 Sec. 26. Minnesota Statutes 2012, section 340A.301, subdivision 2, is amended to read:

23.2 Subd. 2. **Persons eligible.** (a) Licenses under this section may be issued only to
23.3 a person who:

23.4 (1) is of good moral character and repute;

23.5 (2) is 21 years of age or older;

23.6 (3) has not had a license issued under this chapter revoked within five years of the
23.7 date of license application, or to any person who at the time of the violation owns any
23.8 interest, whether as a holder of more than five percent of the capital stock of a corporation
23.9 licensee, as a partner or otherwise, in the premises or in the business conducted thereon,
23.10 or to a corporation, partnership, association, enterprise, business, or firm in which any
23.11 such person is in any manner interested; and
23.12 (4) has not been convicted within five years of the date of license application of a
23.13 felony, or of a willful violation of a federal or state law, or local ordinance governing
23.14 the manufacture, sale, distribution, or possession for sale or distribution of alcoholic
23.15 beverages. The Alcohol and Gambling Enforcement Division may require that fingerprints
23.16 be taken and may forward the fingerprints to the Federal Bureau of Investigation for
23.17 purposes of a criminal history check.

23.18 (b) In order to determine if an individual has a felony or willful violation of federal
23.19 or state law governing the manufacture, sale, distribution, or possession for sale or
23.20 distribution of an alcoholic beverage, the applicant for a license to manufacture or sell at
23.21 wholesale must provide the commissioner with the applicant's signed, written informed
23.22 consent to conduct a background check. The commissioner may query the Minnesota
23.23 criminal history repository for records on the applicant. If the commissioner conducts a
23.24 national criminal history record check, the commissioner must obtain fingerprints from
23.25 the applicant and forward them and the required fee to the superintendent of the Bureau
23.26 of Criminal Apprehension. The superintendent may exchange the fingerprints with the
23.27 Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal
23.28 history record information. The superintendent shall return the results of the national
23.29 criminal history records check to the commissioner for the purpose of determining if the
23.30 applicant is qualified to receive a license.

23.31 Sec. 27. Minnesota Statutes 2012, section 340A.402, is amended to read:

23.32 **340A.402 PERSONS ELIGIBLE.**

23.33 Subdivision 1. **Disqualifiers.** No retail license may be issued to:

23.34 (1) a person under 21 years of age;

24.1 (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license
24.2 revoked within five years of the license application, or to any person who at the time of
24.3 the violation owns any interest, whether as a holder of more than five percent of the capital
24.4 stock of a corporation licensee, as a partner or otherwise, in the premises or in the business
24.5 conducted thereon, or to a corporation, partnership, association, enterprise, business, or
24.6 firm in which any such person is in any manner interested;
24.7 (3) a person not of good moral character and repute; or
24.8 (4) a person who has a direct or indirect interest in a manufacturer, brewer, or
24.9 wholesaler.

24.10 In addition, no new retail license may be issued to, and the governing body of a
24.11 municipality may refuse to renew the license of, a person who, within five years of the
24.12 license application, has been convicted of a felony or a willful violation of a federal or
24.13 state law or local ordinance governing the manufacture, sale, distribution, or possession
24.14 for sale or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement
24.15 Division or licensing authority may require that fingerprints be taken and forwarded to the
24.16 Federal Bureau of Investigation for purposes of a criminal history check.

24.17 Subd. 2. **Background check.** (a) A retail liquor license may be issued by a city,
24.18 a county, or the commissioner. The chief of police is responsible for the background
24.19 checks prior to a city issuing a retail liquor license. A county sheriff is responsible for the
24.20 background checks prior to the county issuing a retail liquor license and for those cities
24.21 that do not have a police department. The commissioner is responsible for the background
24.22 checks prior to the state issuing a retail liquor license.

24.23 (b) The applicant for a retail license must provide the appropriate authority with
24.24 the applicant's signed, written informed consent to conduct a background check. The
24.25 appropriate authority is authorized to query the Minnesota criminal history repository for
24.26 records on the applicant. If the appropriate authority conducts a national criminal history
24.27 records check, the appropriate authority must obtain fingerprints from the applicant
24.28 and forward the fingerprints and the required fee to the superintendent of the Bureau
24.29 of Criminal Apprehension. The superintendent may exchange the fingerprints with the
24.30 Federal Bureau of Investigation for purposes of obtaining the applicant's national criminal
24.31 history record information. The superintendent shall return the results of the national
24.32 criminal history records check to the appropriate authority for the purpose of determining
24.33 if the applicant is qualified to receive a license.

24.34 **Sec. 28. REPEALER.**

24.35 Minnesota Statutes 2012, section 299A.28, is repealed.

APPENDIX

Repealed Minnesota Statutes: CEH0695-1

299A.28 MCGRUFF SAFE HOUSE PROGRAM.

Subdivision 1. **Symbol.** The symbol of "McGruff" with the phrase "McGruff House" is the symbol to designate a house in this state where a child may seek help when threatened.

Subd. 2. **Duties of commissioner.** The commissioner of public safety shall:

- (1) design or adopt a standard symbol to designate a safe house that is the "McGruff" symbol used in other states;
 - (2) make available written information about the safe house program and "McGruff" symbols to school districts and law enforcement agencies;
 - (3) publicize the safe house program in as many ways as is reasonably practical;
 - (4) require the appropriate local law enforcement agency to maintain a register of safe houses;
 - (5) either directly or through cooperation with the appropriate law enforcement agencies conduct background checks on persons who apply to have their house be a safe house.
- Subd. 3. **Display of symbol.** A person displaying the "McGruff" symbol so that it is visible from the outside of their house must be approved as a safe house by the appropriate local law enforcement agency. The appropriate law enforcement agency must supply the symbol to the person. The symbol is the property of the law enforcement agency, and a person must return the symbol to the law enforcement agency if the agency determines that the house no longer qualifies as a "McGruff" house. Violation of this subdivision is a misdemeanor.
- Subd. 4. **Safe houses; requirements.** The appropriate law enforcement agency must provide "McGruff" symbols to persons who apply for symbols if they agree in writing to follow the terms of the safe house program and pass a background check by the appropriate local law enforcement agency.
- Subd. 5. **Exclusive symbol.** The safe house symbol provided by this section is the exclusive symbol for safe houses in this state.
- Subd. 6. **Rules.** The commissioner of public safety may adopt rules necessary to implement this section.