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# Minnesota House of Representatives

Melissa Hortman, Speaker

FOR IMMEDIATE RELEASE

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## New Laws Effective Aug. 1, 2019

*The following is a list of select new laws passed during the 2019 regular and special legislative sessions that take effect Aug. 1, 2019. The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2019 Legislature in regular and special sessions are available online from nonpartisan House Public Information Services at <http://www.house.mn/newlaws/#/search/2019>.*

### AGRICULTURE

#### **Omnibus agricultural policy law**

Sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Bill Weber (R-Luverne), the omnibus agriculture policy law makes a number of technical and policy changes to regulations surrounding aquaculture, pesticides, nurseries, food handlers, eggs, milk, cheese, loans, open-air swine basins and other provisions.

The law includes the following changes and clarifications:

- creating a custom exempt food handlers license for custom processing businesses handling meat and poultry products that are not for sale;
- amending how long eggs may be held past their pack date before they must be removed from sale (31 days for Grade AA and 46 days for Grade A);
- amending milk storage requirements, allowing the Department of Agriculture to waive the 72-hour time limit in the case of hardship, natural disaster or emergency;
- requiring cheese made from unpasteurized milk be labeled to show it has been aged for 60 days or more;
- adding that Beginning Farmer Loan borrowers must be enrolled in a farm management program or have completed a farm management program within 10 years of their first year of farming;
- providing for Methane Digester Loan Program borrowers, who have repaid in full, to borrow through the program again; and
- excluding livestock truck-washing facility basins from an open-air swine basin pollution control permit moratorium.

HF1733\*/SF1859/CH38

#### **Agricultural Best Practices Loan Program modified**

The Agricultural Best Practices Loan Program and several sections of public drainage law will be modified based on recommendations made by the Drainage Work Group.

The work group was established in 2006 to foster science-based mutual understanding about drainage issues and to develop consensus recommendations for drainage system management, related water management and drainage law.

Changes include:

- removal of the project loan total cap;
- allowing counties without a county attorney to hire any competent attorney as county representation in all drainage proceedings;
- allowing drainage authorities to use a new method to assess drainage system repair costs to lands contributing runoff to the system by calculating the relative runoff and relative sediment delivery;
- requiring a drainage authority to determine whether to conduct a redetermination of benefits when petitioned by more than 25 percent of landowners of benefited or damaged lands; and
- removing a requirement that final hearings for redeterminations be heard within 30 days of the property owner's report being mailed. Hearings will need to occur 25 to 50 days after the final hearing notice date.

Rep. Rick Hansen (DFL-South St. Paul) and Sen. Bill Weber (R-Luverne) sponsor the law.  
HF1244\*/SF1945/CH24

## **BUSINESS AND COMMERCE**

### **Credit union conversion requirements changed**

A new law will modify statutes governing the requirements for credit union conversion, merger or consolidation.

Changes include:

- removing requirements for the minimum number of members required for a vote to convert a federal credit union into a state credit union;
- reducing the number of votes required to approve a conversion, merger or consolidation from two-thirds of voting members to a majority of the vote; and
- requiring the board of directors to call a special meeting to vote on conversions through written notice to each member at least seven days in advance, but no more than 30 days.

Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie) and Sen. Mark Koran (R-North Branch) are the sponsors.

HF1578/SF1703\*/CH20

## **ECONOMIC DEVELOPMENT**

### **Telecommuter friendly certification**

A new law will allow cities, townships and counties to apply to the Department of Employment and Economic Development to be certified as a Telecommuter Forward! Community.

The department must base decisions about certification on public testimony provided by the community. In addition, the political subdivision applying for the certification must adopt a resolution describing the political subdivision's support and commitment to promote the availability of telecommuting options and providing a single point of contact for coordinating telecommuting opportunities.

Rep. Julie Sandstede (DFL-Hibbing) and Sen. Andrew Mathews (R-Milaca) sponsor the law.  
HF2181\*/SF2094/CH13

## **HEALTH AND HUMAN SERVICES**

### **Authorized individuals – as well as entities – allowed to use epinephrine auto-injectors**

More people will be allowed to administer epinephrine auto-injectors, or EpiPens, to help someone having an allergic reaction.

“Authorized individuals” will be added to existing statutes governing the use of EpiPens, alongside “authorized entities” and the law clarifies they qualify for this standing through the successful completion of a training program.

A provision states that the possession and administration of epinephrine auto-injectors at public schools will be determined by the appropriate school district.

Rep. Greg Davids (R-Preston) and Sen. Jeremy Miller (R-Winona) are the sponsors.  
HF925/SF1257\*/CH61

### **More families could be reunited through expansion of reestablishment petitions**

A new law will allow individuals whose parental rights have been terminated to petition for the reestablishment of the legal parent-child relationship. Previously, this petition could only be filed by a county attorney.

Parents filing this petition will be required to have corrected the conditions that led to the termination of their parental rights. The application process calls for details including treatment and work histories, why the parent decided to seek reunification and how it is in their child’s best interest.

The reunification process will include a court hearing during which guardians ad litem and caseworkers will be able to weigh in on the decision, which will ultimately be made by a judge.

The law also strikes a provision requiring children to be at least 15 years old at the time of the petition, but increases the time the child must have spent in foster care from 36 months to 48 months.

Rep. Rena Moran (DFL-St. Paul) and Sen. Bobby Joe Champion (DFL-Mpls) are the sponsors.  
HF554\*/SF342/CH14

### **New law sheds more light on clinic fees**

Provider-based clinics will need to disclose facility fees for nonemergency services before treatment.

Intended to ensure patients are not surprised by separate charges resulting in higher out-of-pocket expenses than expected, the law will require prominently posted and easily accessed statements informing patients of potential separate charges relating to use of the facility. Website information must be included.

Laboratory services, imaging and other services provided by health care staff not employed by the clinic will be exempt from the notification requirement.

Rep. Steve Elkins (DFL-Bloomington) and Sen. Rich Draheim (R-Madison Lake) sponsor the law.  
HF685/SF131\*/CH7

### **Retaliation in nursing homes prohibited**

A new law, in part, provides a framework for licensure of assisted living facilities and assisted living facilities with dementia care by Aug. 1, 2021.

However, a portion taking effect two years sooner prohibits a nursing home or housing with services establishment that uses assisted living title protection from retaliating against a resident or employee if the resident, employee or person acting on the resident’s behalf files a good faith complaint, makes a good faith inquiry, asserts a right, indicates a good faith intention to file a complaint, files a maltreatment report in good faith, seeks help from or reports a crime to the nursing home or others, seeks advocacy assistance, files a civil action, participates in an investigation or legal proceeding,

contracts with a service provider other than the nursing home or places an electronic monitoring device in the resident's private space.

Per the law, illegal retaliation could include any form of discrimination, restriction or prohibition of visitors, withholding of food or care, discharge or transfer, or unauthorized removal, tampering with or deprivation of technology, communication or electronic monitoring devices.

Rep. Jennifer Schultz (DFL-Duluth) and Sen. Karin Housley (R-St. Marys Point) are the sponsors.  
HF90\*/SF8/CH60

#### **Duty to warn expanded to include students and interns**

Mental health professionals will be required to disclose private information to law enforcement agencies, the potential victim and the family of the client if that client communicates a serious threat of physical violence to themselves or a specific, potential victim.

The law will also extend these requirements to include applicants for licensure and students or interns practicing professional counseling as part of an educational program.

The change is one of two technical corrections made to health licensing in the law. The other modifies the Board of Behavioral Health and Therapy's reciprocity requirements for licensed professional counselors, licensed professional clinical counselors and licensed alcohol and drug counselors who have practiced for at least five years, by eliminating the requirement that licensure requirements in the other state to be substantially similar to those in Minnesota.

Rep. Tony Albright (R-Prior Lake) and Sen. Melissa Wiklund (DFL-Bloomington) are the sponsors.  
HF2206/SF955\*/CH28

#### **New law modifies supervision of temporary body art technicians**

Requirements for the supervision of temporary body art technicians will be modified.

The law is a continuation of work that started two years ago, and supporters say is necessary to better reflect the training necessary to supervise new body piercers and meet workforce demands.

It will allow body piercing technicians, who have performed at least 500 body piercings, to supervise a temporary technician. Tattoo technicians with at least two years of experience can supervise a temporary technician.

The law will also require body art technicians supervising more than four body piercing technicians, or two tattoo technicians, to provide the Health Department with plans explaining how they will provide adequate supervision.

Rep. Nick Zerwas (R-Elk River) and Sen. Mark Koran (R-North Branch) are the sponsors.  
HF783/SF326\*/CH29

#### **Carver County hospital construction can continue**

Ridgeview Medical Center in Carver County will be able to continue with a construction project that will add 20 new beds.

A new law will strike clauses in an existing exemption to construction and modification restrictions. The stricken clauses would have required the additional beds to be used for rehabilitation services and limited their eligibility for Medical Assistance or MinnesotaCare reimbursement.

Supporters say these changes are needed so the medical center can fully utilize its beds and expand its services.

Rep. Jim Nash (R-Waconia) and Sen. Scott Jensen (R-Chaska) are the sponsors.  
HF1393/SF328\*/CH41

### **CEMTs can serve on a basic life support ambulance service**

Community emergency medical technicians will be permitted to serve on a basic life support ambulance service.

Under current law, their authorization is limited to medical response units, which are organized at the local level and provide initial medical care, before an ambulance service arrives.

Proponents say the change will clarify existing law and correct an oversight.

Another change makes services provided by community paramedics via telemedicine covered under Medical Assistance.

Rep. John Huot (DFL-Rosemount) and Sen. Julie Rosen (R-Vernon Center) are the sponsors.

HF148\*/SF1074/CH42

## **HOUSING**

### **Rejecting racially restrictive covenants**

Homeowners who find that their property titles contain racially restrictive covenants will have an opportunity to reject them.

Although it has been illegal to include such covenants since the passage of the federal Fair Housing Act in 1968, language restricting homeowners from selling their property to individuals based on their religion, national origin, race or color remains attached to many property titles.

Rejecting a restrictive covenant will not alter the text of the title. Instead, it will add an affidavit to the title stating that the homeowner has rejected the covenant.

Rep. Jim Davnie (DFL-Mpls) and Sen. Jeff Hayden (DFL-Mpls) sponsor the law.

HF51\*/SF456/CH45

## **LOCAL GOVERNMENT**

### **Meeting participation requirements changed**

A new law will make it possible for small governing bodies to hold meetings, in some circumstances, when members are absent due to military deployments.

In the past, if a member of a small governing body, such as a city council, was unable to attend the group's regular public meetings, it could be difficult for the body to function. The meetings require a quorum — a certain number of members in attendance, often a majority — in order for official action to be taken.

The open meeting law does allow absent members to participate via interactive television, but only if the location they participate from is also open to the public. This was not possible in some cases, such as illnesses or deployments, where public access is not possible or permitted.

Sponsored by Rep. Erin Koegel (DFL-Spring Lake Park) and Sen. John Jasinski (R-Faribault), the new law allows members of a governing body who are away on military service to participate in up to three meetings per year via interactive television from non-public spaces.

The law also requires meeting minutes to name each member participating remotely and explain why.

HF281\*/SF1246/CH33

### **More transparency in permit consultant fees**

A new section of law could make the process of obtaining permits for real estate development or construction more transparent.

Applicants for permits, licenses or other approval related to real estate development or construction may request from the city a written, non-binding estimate of the consulting fees they will be charged related to their application.

If an applicant requests the estimate, the application won't be complete until the city has: provided an estimate; received the required application fees, as specified by the city; received a signed acceptance of the fee estimate from the applicant; and received a signed statement that the applicant has not relied on the fee estimate in its decision to proceed with the final application.

Rep. Michael Nelson (DFL-Brooklyn Park) and Sen. Mark Koran (R-North Branch) sponsor the law.

HF823/SF998\*/CH27

### **Hennepin County can cast wider net for library director**

A requirement that the Hennepin County library director must have a graduate degree from a school accredited by the American Library Association has been removed.

Sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Paul Anderson (R-Plymouth), the law will allow Hennepin County to draw from a wider pool of job applicants when searching for future library directors, according to proponents.

The law also specifies that "preference shall be given to candidates with library experience."

HF2097\*/SF2267/CH48

## **PUBLIC SAFETY**

### **Predatory and sex offender, DWI policy changes**

Provisions within the omnibus public safety and judiciary law taking effect Aug. 1, 2019 include policies impacting sex and predatory offenders and changes to penalties for driving a vehicle under the influence of a substance.

Among the changes related to sexual offenders, the law will:

- require a sentencing judge to justify in writing a stay of adjudication for felony criminal sexual conduct offenses;
- extend the scope of certain criminal sexual conduct statutes so that an adult in a position of authority over a 16- or 17-year-old within the past 120 days is subject to criminal penalties for having a sexual relationship with the juvenile. Prior to the change, the position of authority provision only applied when the adult was responsible for the health, welfare or supervision of the child victim at the time of the offense;
- increase the maximum penalty to 15 years for dissemination of child pornography for a profit or for using a minor in a sexual performance or pornographic work if the victim is under age 13 or if the offender is a repeat offender or registered as a predatory offender;
- increase the maximum sentence for possession of child pornography to 10 years for offenses that involve a victim under the age of 13;
- eliminate the exclusion to fifth-degree criminal sexual conduct for intentionally touching the clothing covering the immediate area of the buttocks with sexual or aggressive intent; and
- prohibit a peace officer from sexually penetrating a person who is restrained by the officer or otherwise does not reasonably feel free to leave the officer's presence. Victim consent cannot be used as a defense.

A predatory offender who committed a registerable offense in another state must register in Minnesota if they spend more than 30 days a year in Minnesota.

As for driving, a person's snowmobile, ATV and motorboat operating privileges must be revoked when they fail a lawfully administered test to determine if the person was operating a motor vehicle under the influence. This further conforms to the so-called "Little Alan's Law" enacted in 2018, which expanded the prohibition on operating off-road vehicles following a conviction for a driving while intoxicated offense and eliminated the driver's license revocation exemption for off-road DWI offenses.

The law also expands the list of prior convictions that enhance an offense to first-degree DWI by including impaired driving-related criminal vehicular operation convictions in other states if the other state's statute conforms with Minnesota law.

Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove) are the sponsors.  
SSH3/SSSF8\*/SSCH5

#### **Jurisdictional restrictions on tribal police removed**

A new law will allow the Prairie Island Indian Community of the Mdewakanton Dakota tribe to have concurrent jurisdictional authority with the local county sheriff to enforce state criminal law on the community's reservation regardless of whether a cooperative agreement is made with the sheriff.

Rep. Mary Kunesh-Podein (DFL-New Brighton) and Sen. Michael Goggin (R-Red Wing) sponsor the law.

HF719/SF1100\*/CH40

## **STATE GOVERNMENT**

#### **Opportunities for user acceptance testing required**

A state agency working to implement new business software, or new software application functionality which significantly impacts the primary users of that software, must provide opportunities for user acceptance testing.

This testing allows those who will be using the software to work with it under the conditions it will need to operate once officially implemented. The tests provide an opportunity to identify unexpected problems or glitches that may impact the final product. The law does not apply to routine software upgrades or changes to comply with federal law, rules or regulations.

Primary user is defined as an employee or agent of a state agency or local government that uses the software for an official function.

Sponsored by Rep. Sandra Masin (DFL-Eagan) and Sen. Jeff Howe (R-Rockville), the law is meant to prevent situations such as the implementation of MNLARS, the Minnesota License and Registration System that has been plagued with problems since it was introduced in 2017.

The new law requires opportunities for user acceptance testing "unless the testing is deemed not feasible or necessary" by an agency commissioner in consultation with others, including representatives of the relevant users.

HF132/SF316\*/CH62

#### **Reimbursement authorization OK'd for disabilities council members**

State statute allows for members of state advisory councils and committees to be compensated at the rate of \$55 a day spent on council or committee activities.

Sponsored by Rep. Mike Sundin (DFL-Esko) and Sen. Jim Abeler (R-Anoka), a new law will permit public members of the Minnesota Governor's Council on Developmental Disabilities to receive some compensation and expense reimbursement for their efforts.

There will be no financial cost to the state because the compensation will be absorbed from existing federal grant dollars the council receives.

HF129\*/SF149/CH53

## TRANSPORTATION

### **Expanded distracted driving law aims to take phones out of drivers' hands**

Minnesota will join a growing list of states with prohibitions on holding cellphones and other wireless communication devices while behind the wheel.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson), the new law broadens the state's existing ban on texting while driving, barring drivers from holding a cellphone or other wireless communication device while operating a motor vehicle that is in motion or operating as a part of traffic on a street or highway.

Drivers will be required to use hands-free technology when making calls, sending messages, or accessing content — including audio and navigation software — behind the wheel.

It does not change a petty misdemeanor penalty for violations.

The law specifies that a communications device does not include a device or feature that is physically integrated into the vehicle, a GPS or navigation system that is only capable of being used for navigation purposes, or a two-way radio, CB radio, or amateur radio equipment used in accordance with Federal Communications Commission rules.

Calls and messages made or composed using a hands-free device are exempt from the prohibition, as are messages or calls placed to obtain emergency assistance. So, too, is the use of a navigation system on a device that does not require the driver to type while the vehicle is in motion or a part of traffic, provided the driver does not hold the device with one or both hands.

Also exempt is the use of a device to listen to audio-based content in a manner that doesn't require the driver to scroll or type while the vehicle is in motion.

HF50\*/SF91/CH11

### **Slower vehicles stay right**

Part on the omnibus transportation law modernizes and clarifies requirements on operating slow vehicles on the right side of the road and moving out of the left-most lane to allow others to pass.

If the roadway has more than one lane in each direction, a person must move out of the left-most lane to allow another vehicle to pass, when practicable under existing conditions. This will not apply when overtaking and passing another vehicle proceeding in the same direction, preparing for a left turn at an intersection or into a private road or driveway, preparing to exit a controlled-access highway on the left side of the road, the lane is designated and posted for a specific type of traffic, or the vehicle is an authorized emergency vehicle.

Under the law, on "a roadway with one lane in the direction of travel a person proceeding at a speed that is sufficiently low as to create a traffic hazard must operate the vehicle as close as practicable to the right-hand curb or edge of the roadway."

Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson) are the sponsors.  
SSH6\*/SSSF5/SSCH3

### **Plate, sticker and license increases**

Fees for license plates, including specialty plates, as well as for driver's licenses are set to increase. A portion of the increase is temporary.

As part of the omnibus transportation law new "plate and validation sticker fees apply for the original, duplicate or replacement issuance of a plate in a plate year." The fees include \$7 for a set of regular and disability plates, \$11.50 for specialty plates, \$15.50 for personalized plates and \$16.50 for collector plates. From Aug. 1, 2019 to June 30, 2022, the plate fee amount is temporarily higher by an additional \$1.

The fee is increased by \$3.75 for all classes of REAL ID compliant or noncompliant driver's licenses and enhanced driver's licenses. Similar to license plates, the license fee is an additional 75 cents higher from Aug. 1, 2019 to June 30, 2022.

Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson) are the sponsors.  
SSH6\*/SSSF5/SSCH3

#### **New tool to enforce laws in Minnesota's work zones**

Minnesota motorists will want to pay extra attention in the state's work zones.

A measure sponsored by Rep. Erin Koegel (DFL-Spring Lake Park) and Sen. Jason Rarick (R-Pine City) will allow a peace officer to issue a citation to a driver if a qualified work zone flagger has reported a violation of flagger directions, speeding or various traffic control laws.

The new law requires that, to establish probable cause, the work zone flagger's report must include a description of the vehicle and the time of the incident. The flagger must first have completed training related to flagging operations and traffic laws. The officer is authorized to issue a citation if it is within a four-hour period following the time of the incident.

HF1408/SF1753\*/CH35

#### **Letter from licensed physical therapists can be used for disability plates, permits**

Disability plates and permits will be easier to obtain for those who need them.

Sponsored by Rep. Jennifer Schultz (DFL-Duluth) and Sen. Jeff Howe (R-Rockville), the change will authorize licensed physical therapists to provide a required medical statement that an individual can use to obtain a disability parking permit or disability license plates.

HF211\*/SF653/CH3

#### **Light rail train drivers subject to reckless, careless driving prohibitions**

Drivers of Metro Transit's light-rail vehicles will be subject to the state's reckless and careless driving laws.

Sponsored by Rep. Cheryl Youakim (DFL-Hopkins) and Sen. Carla Nelson (R-Rochester), the new law makes clear that prohibitions on reckless and careless driving apply to drivers of the public transit vehicles operated by the Metropolitan Council.

Penalties for careless or reckless driving are considered a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for up to 90 days, or both. If a reckless driving violation causes great bodily harm or death it is considered a gross misdemeanor, with penalties of a fine of up to \$3,000 and imprisonment for up to one year.

HF1568/SF1339\*/CH10

#### **Fallen service member to be honored**

A portion of Kandiyohi County highway will be designated the "Ryane Clark Memorial Highway" to memorialize a Minnesota service member killed in action.

Sponsored by Rep. Dave Baker (R-Willmar) and Sen. Andrew Lang (R-Olivia), the law designates a stretch of Trunk Highway 23 between New London and Spicer in honor of Pfc. Ryane Clark who was killed while serving in Afghanistan in 2010.

HF1127/SF1261\*/CH56

#### **Stretch of highway will honor corrections officer killed in line of duty**

A stretch of Minnesota highway will honor a corrections officer killed while on duty.

Sponsored by Rep. Bob Dettmer (R-Forest Lake) and Sen. Karin Housley (R-St. Marys Point), the portion of Trunk Highway 95 from Interstate 94 to Trunk Highway 36 will be designated as “Corrections Officer Joseph Gomm Memorial Highway.”

An inmate attacked and killed Gomm, who had served as a corrections officer for 16 years, at the Minnesota Correctional Facility in Stillwater in July 2018.

HF58\*/SF417/CH15

### **Highway to honor Mayer firefighter**

Sponsored by Rep. Jim Nash (R-Waconia) and Sen. Scott Jensen (R-Chaska), a new law designates a portion of Trunk Highway 25 — from Mayer to Trunk Highway 7 in Carver County — as the “Captain Jeffrey Vollmer Memorial Highway.”

Vollmer was a member of the Mayer Fire Department who died of a heart attack after a training exercise in December 2017.

HF1171/SF1618\*/CH37

### **Businessman, philanthropist, honored on stretch of highway**

A stretch of Dakota County highway will honor a prominent Minnesota businessman.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Eric Pratt (R-Prior Lake), a new law will designate portions of Trunk Highways 282, 13, 3 and 50, as well as Dakota County State-Aid Highway 50, from Jordan to U.S. Highway 61 near Miesville as the “Richard J. Ames Memorial Highway.”

Ames, a noted philanthropist who died in early 2019, was the founder of Ames Construction.

HF836/SF1003\*/CH55