

1.1 **Senator Putnam from the Committee on Agriculture, Broadband, and Rural**
1.2 **Development, to which was referred**

1.3 **S.F. No. 1587:** A bill for an act relating to agriculture; modifying restricted species
1.4 provisions; amending Minnesota Statutes 2022, section 17.457.

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

1.6 Delete everything after the enacting clause and insert:

1.7 "Section 1. Minnesota Statutes 2022, section 17.457, is amended to read:

1.8 **17.457 RESTRICTED SPECIES.**

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

1.10 (b) "Commissioner" means the commissioner of agriculture or the commissioner's
1.11 designee.

1.12 (c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies
1.13 and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domesticus*).

1.14 (d) "Release" means an intentional introduction or accidental escape of a species from
1.15 the control of the owner or responsible party.

1.16 Subd. 2. **Importation; possession; release of restricted species.** It is unlawful for a
1.17 person to import, possess, propagate, transport, or release restricted species, ~~except as~~
1.18 ~~provided~~ unless the person has a permit as described in subdivision 3.

1.19 Subd. 3. **Permits.** (a) The commissioner may issue permits for the transportation,
1.20 possession, purchase, or importation of restricted species for scientific, research, educational,
1.21 or commercial purposes. A permit issued under this subdivision may be revoked by the
1.22 commissioner if the conditions of the permit are not met by the permittee or for any unlawful
1.23 act or omission, including accidental escapes.

1.24 ~~(b) The commissioner may issue permits for a person to possess and raise a restricted~~
1.25 ~~species for commercial purposes if the person was in possession of the restricted species~~
1.26 ~~on March 1, 1993. Under the permit, the number of breeding stock of the restricted species~~
1.27 ~~in the possession of the person may not increase by more than 25 percent and the person~~
1.28 ~~must comply with the certification requirements in subdivision 7.~~

1.29 ~~(c) A person may possess a restricted species without a permit for a period not to exceed~~
1.30 ~~two days for the purpose of slaughtering the restricted species for human consumption.~~

1.31 Subd. 4. **Notice of escape release of restricted species.** In the event of an escape a
1.32 release of a restricted species, the owner must notify within 24 hours a conservation officer

2.1 and the Board of Animal Health and is responsible for the recovery of the species. The
 2.2 commissioner may capture or destroy the ~~escaped~~ released animal at the owner's expense.

2.3 Subd. 5. **Enforcement.** This section may be enforced by an enforcement officer under
 2.4 sections 97A.205 and 97A.211 and by the commissioner under sections 17.982 to 17.984.

2.5 Subd. 6. **Penalty.** A person who violates subdivision 2, 4, or 7 is guilty of a misdemeanor.

2.6 Subd. 7. **Certification and Identification requirements.** ~~(a) A person who possesses~~
 2.7 ~~restricted species on July 1, 1993, must submit certified numbers of restricted species in~~
 2.8 ~~the person's possession to the Board of Animal Health by June 1, 1993.~~

2.9 ~~(b)~~ A restricted species in the possession of a person must be marked in a permanent
 2.10 fashion to identify ownership. The restricted species must be marked as soon as practicable
 2.11 after birth or purchase.

2.12 Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of
 2.13 natural resources, shall develop criteria for approved containment measures for restricted
 2.14 species ~~with the assistance of producers of restricted species.~~

2.15 Subd. 9. **Bond; security.** A person who possesses restricted species must ~~file a bond or~~
 2.16 ~~deposit~~ provide proof of insurance or file a security bond with the commissioner ~~security~~
 2.17 ~~in the form and in the~~ an amount determined by the commissioner to pay for the potential
 2.18 costs and damages that would be caused by ~~an escape~~ the release of a restricted species.

2.19 Subd. 10. **Fee.** The commissioner ~~shall~~ may impose a fee for permits in an amount
 2.20 sufficient to cover the costs of issuing the permits and for facility inspections. The fee may
 2.21 not exceed \$50. Fee receipts must be deposited in the general fund.

2.22 **EFFECTIVE DATE.** This section is effective August 1, 2023.

2.23 Sec. 2. Minnesota Statutes 2022, section 17.710, is amended to read:

2.24 **17.710 AGRICULTURAL ~~PRODUCTION~~ CONTRACTS.**

2.25 (a) A production contract entered into, renewed, or amended on or after July 1, 1999,
 2.26 between an agricultural producer and a processor of agricultural products must not contain
 2.27 provisions that prohibit the producer from disclosing terms, conditions, and prices contained
 2.28 in the contract. Any provision prohibiting disclosure by the producer is void.

2.29 (b) A contract entered into, renewed, or amended on or after July 1, 2023, between an
 2.30 agricultural producer and an entity buying, selling, certifying, or otherwise participating in
 2.31 a market for stored carbon must not contain provisions that prohibit the producer from

3.1 disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting
3.2 disclosure by the producer is void.

3.3 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.4 Sec. 3. Minnesota Statutes 2022, section 17.983, subdivision 1, is amended to read:

3.5 Subdivision 1. **Administrative penalties; citation.** If a person has violated a provision
3.6 of chapter 25, or 31B, ~~or 32D~~, the commissioner may issue a written citation to the person
3.7 by personal service or by certified mail. The citation must describe the nature of the violation
3.8 and the statute or rule alleged to have been violated; state the time for correction, if
3.9 applicable; and the amount of any proposed fine. The citation must advise the person to
3.10 notify the commissioner in writing within 30 days if the person wishes to appeal the citation.
3.11 If the person fails to appeal the citation, the citation is the final order and not subject to
3.12 further review.

3.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.14 Sec. 4. Minnesota Statutes 2022, section 18.78, subdivision 2, is amended to read:

3.15 Subd. 2. **Control of purple loosestrife and nonnative Phragmites.** An owner of
3.16 nonfederal lands underlying public waters or wetlands designated under section 103G.201
3.17 is not required to control or eradicate purple loosestrife or nonnative Phragmites below the
3.18 ordinary high water level of the public water or wetland. The commissioner of natural
3.19 resources is responsible for control and eradication of purple loosestrife and nonnative
3.20 Phragmites on public waters and wetlands designated under section 103G.201, except those
3.21 located upon lands owned in fee title or managed by the United States. The officers,
3.22 employees, agents, and contractors of the commissioner of natural resources may enter upon
3.23 public waters and wetlands designated under section 103G.201 and, after providing
3.24 notification to the occupant or owner of the land, may cross adjacent lands as necessary for
3.25 the purpose of investigating purple loosestrife or nonnative Phragmites infestations,
3.26 formulating methods of eradication, and implementing control and eradication of purple
3.27 loosestrife or nonnative Phragmites. The commissioner of natural resources shall, by June
3.28 1 of each year, compile a priority list of purple loosestrife and nonnative Phragmites
3.29 infestations to be controlled with herbicides in designated public waters. The commissioner
3.30 of natural resources must distribute the list to county agricultural inspectors, local weed
3.31 inspectors, and their appointed agents. The commissioner of natural resources shall control
3.32 listed purple loosestrife and nonnative Phragmites infestations in priority order within the
3.33 limits of funding allocated for that purpose. This procedure shall supersede the other

4.1 provisions for control of noxious weeds set forth elsewhere in this chapter. The responsibility
 4.2 of the commissioner of natural resources to control and eradicate purple loosestrife and
 4.3 nonnative Phragmites on public waters and wetlands located on private lands and the
 4.4 authority to enter upon private lands ends ten days after receipt by the commissioner of a
 4.5 written statement from the landowner that the landowner assumes all responsibility for
 4.6 control and eradication of purple loosestrife and nonnative Phragmites under sections 18.78
 4.7 to 18.88. State officers, employees, agents, and contractors of the commissioner of natural
 4.8 resources are not liable in a civil action for trespass committed in the discharge of their
 4.9 duties under this section and are not liable to anyone for damages, except for damages
 4.10 arising from gross negligence.

4.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

4.12 Sec. 5. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to
 4.13 read:

4.14 Subd. 14c. **Minimum risk pesticide.** "Minimum risk pesticide" means a pesticide or
 4.15 class of pesticides that is exempt from the United States Environmental Protection Agency's
 4.16 registration requirements under section 25(b) of the federal Insecticide, Fungicide, and
 4.17 Rodenticide Act in Code of Federal Regulations, title 40, section 152.25(f).

4.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

4.19 Sec. 6. **[18B.091] PESTICIDES ON MEDICAL CANNABIS.**

4.20 A person working on behalf of an approved medical cannabis manufacturer may apply
 4.21 minimum risk pesticide for growing medical cannabis as defined in section 152.22,
 4.22 subdivision 6, unless:

4.23 (1) the commissioner determines that the product label prohibits the use of minimum
 4.24 risk pesticide on medical cannabis;

4.25 (2) the commissioner, in consultation with the commissioner of health, determines that
 4.26 the continued use of minimum risk pesticide would cause unreasonable adverse effects on
 4.27 human health; or

4.28 (3) the commissioner determines that the continued use of minimum risk pesticide would
 4.29 cause unreasonable adverse effects on the environment.

4.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.1 Sec. 7. Minnesota Statutes 2022, section 18D.321, subdivision 1, is amended to read:

5.2 Subdivision 1. **Notice of appeal.** (a) After service of an order, a person has ~~45~~ 20 days
5.3 from receipt of the order to notify the commissioner in writing that the person intends to
5.4 contest the order.

5.5 (b) If the person fails to notify the commissioner that the person intends to contest the
5.6 order, the order is a final order of the commissioner and not subject to further judicial or
5.7 administrative review.

5.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.9 Sec. 8. Minnesota Statutes 2022, section 18F.01, is amended to read:

5.10 **18F.01 PURPOSE.**

5.11 The purpose of sections 18F.01 to 18F.13 is to establish ~~permits~~ conditions for the release
5.12 of certain genetically engineered agriculturally related organisms to protect humans and the
5.13 environment from the potential for significant adverse effects of those releases.

5.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.15 Sec. 9. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to
5.16 read:

5.17 **Subd. 3a. Coordinated Framework.** "Coordinated Framework" means the federal
5.18 Coordinated Framework for the Regulation of Biotechnology set forth in Federal Register,
5.19 volume 51, pages 23,302 to 23,350 (June 26, 1986), as amended.

5.20 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.21 Sec. 10. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to
5.22 read:

5.23 **Subd. 7a. Regulated organism.** "Regulated organism" means a genetically engineered
5.24 organism that is not exempt from federal regulations or that is not yet authorized for
5.25 commercial use by the appropriate federal agency in the Coordinated Framework.

5.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

6.1 Sec. 11. Minnesota Statutes 2022, section 18F.07, is amended to read:

6.2 **18F.07 GENETICALLY ENGINEERED AGRICULTURALLY RELATED**
6.3 **ORGANISM PERMIT.**

6.4 Subdivision 1. **Requirement.** A person may not conduct a release of a genetically
6.5 engineered agriculturally related organism until a permit for the release has been obtained
6.6 from the ~~commissioner~~ United States Department of Agriculture (USDA) or Environmental
6.7 Protection Agency (EPA) unless the organism is exempt from regulation by the applicable
6.8 agency under the Coordinated Framework. The commissioner may accept a USDA or EPA
6.9 permit or may review a USDA or EPA permit and add additional requirements to ensure
6.10 that the proposed release of a genetically engineered agriculturally related organism would
6.11 not create a hazard to the agricultural, forest, or horticultural interests of this state or the
6.12 state's general environmental quality. ~~Each release of a genetically engineered agriculturally~~
6.13 ~~related organism requires a new permit until the commissioner determines by rule that the~~
6.14 ~~proposed use of the agriculturally related organism is no longer subject to regulation under~~
6.15 ~~this chapter.~~

6.16 Subd. 2. **Permit application and review.** ~~(a) After reviewing a completed application,~~
6.17 ~~the commissioner may issue a genetically engineered agriculturally related organism permit~~
6.18 ~~if the commissioner determines that the applicant has adequately demonstrated that the~~
6.19 ~~proposed release does not have the potential for unreasonable adverse effects on the~~
6.20 ~~environment.~~ If the commissioner reviews a USDA or EPA permit, the commissioner may
6.21 prescribe recommend terms and conditions, including, but not limited to, the period for the
6.22 genetically engineered agriculturally related organism permit, the amount or number of
6.23 genetically engineered agriculturally related organisms to be used, monitoring activities,
6.24 department inspection schedules, reporting of experiment results, and experiment termination
6.25 procedures. A person may not violate terms or conditions of a permit issued under this
6.26 section. ~~After a genetically engineered agriculturally related organism permit is issued, the~~
6.27 ~~commissioner may revoke or change the permit at any time~~ must inform the permitting
6.28 agency if the commissioner finds that its permit terms or conditions are being violated or
6.29 are inadequate to avoid unreasonable adverse effects on the environment.

6.30 (b) ~~The commissioner may deny issuance of a genetically engineered agriculturally~~
6.31 ~~related organism permit if the commissioner determines that the use to be made of the~~
6.32 ~~agriculturally related organisms under the proposed terms and conditions may cause~~
6.33 ~~unreasonable adverse effects on the environment~~ request that the USDA or EPA not issue
6.34 a permit if the commissioner determines that the release of the genetically engineered

7.1 agriculturally related organism would create a hazard to the agricultural, forest, or
 7.2 horticultural interests of this state or the state's general environmental quality.

7.3 (c) The commissioner shall publish a notice of the proposed release at the earliest
 7.4 opportunity in the EQB Monitor and shall notify the chair of the county board and, if
 7.5 applicable, the Tribal council of any reservation where the organism will be released.

7.6 Subd. 3. **Application.** A person shall file an application for a genetically engineered
 7.7 agriculturally related organism permit with the commissioner. ~~The application must include:~~
 7.8 appropriate federal agency in the Coordinated Framework, unless exempted as set forth in
 7.9 section 18F.13.

7.10 ~~(1) the name and address of the applicant;~~

7.11 ~~(2) any United States Environmental Protection Agency, United States Department of~~
 7.12 ~~Agriculture, or other federal agency regulatory application or approval document, if required~~
 7.13 ~~under federal law or rule;~~

7.14 ~~(3) the purpose or objectives of the agriculturally related organism;~~

7.15 ~~(4) the name, address, and telephone number of cooperators or participants in this state;~~

7.16 ~~(5) the amount or number of organisms, materials, cultures, or seeds to be shipped or~~
 7.17 ~~used in this state; and~~

7.18 ~~(6) other information requested by the commissioner.~~

7.19 Subd. 4. ~~**Application fee.** An application for a permit for a genetically engineered~~
 7.20 ~~agriculturally related organism must be accompanied by a nonrefundable application fee~~
 7.21 ~~of \$125.~~

7.22 **EFFECTIVE DATE.** This section is effective August 1, 2023.

7.23 Sec. 12. Minnesota Statutes 2022, section 18F.13, is amended to read:

7.24 **18F.13 EXEMPTIONS.**

7.25 ~~(a) The commissioner may provide exemptions to the requirements to prepare an~~
 7.26 ~~environmental assessment worksheet and obtain a permit for release of genetically engineered~~
 7.27 ~~agriculturally related organisms for which substantial evidence, including past releases, has~~
 7.28 ~~shown that the organism can be released without adverse effects on humans and the~~
 7.29 ~~environment must recognize federal exemptions for the regulation of genetically engineered~~
 7.30 ~~organisms.~~

8.1 (b) The commissioner ~~may provide exemptions from the requirements to prepare an~~
8.2 ~~environmental assessment worksheet and obtain a permit for release of genetically engineered~~
8.3 ~~agriculturally related organisms for which substantial evidence, including past releases, has~~
8.4 ~~shown that the organism can be released under alternative oversight without adverse effects~~
8.5 ~~to humans and the environment~~ must allow the commercial use of agriculturally related
8.6 genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant
8.7 amendments that have been deregulated by any federal agency.

8.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

8.9 Sec. 13. Minnesota Statutes 2022, section 18G.02, subdivision 2, is amended to read:

8.10 Subd. 2. **Biological control agent.** "Biological control agent" means a ~~parasite~~ parasitoid,
8.11 predator, pathogen, or competitive organism intentionally released by humans for the purpose
8.12 of biological control with the intent of causing a reduction of a host or prey population.

8.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

8.14 Sec. 14. Minnesota Statutes 2022, section 18G.02, subdivision 6, is amended to read:

8.15 Subd. 6. **Compliance agreement.** "Compliance agreement" means a written agreement
8.16 between a ~~person~~ an entity and a regulatory agency to achieve compliance with regulatory
8.17 requirements.

8.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

8.19 Sec. 15. Minnesota Statutes 2022, section 18G.02, is amended by adding a subdivision to
8.20 read:

8.21 Subd. 12a. **Individual.** "Individual" means a single human being who is not the sole
8.22 proprietor of a registered business related to plant protection or export certification.

8.23 **EFFECTIVE DATE.** This section is effective August 1, 2023.

8.24 Sec. 16. Minnesota Statutes 2022, section 18G.02, subdivision 14, is amended to read:

8.25 Subd. 14. **Infested.** "Infested" means a plant ~~has been overrun by~~ that contains an
8.26 unacceptable level of plant pests, including weeds, or contains or harbors plant pests in a
8.27 quantity that may threaten other plants.

8.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.1 Sec. 17. Minnesota Statutes 2022, section 18G.02, subdivision 15, is amended to read:

9.2 Subd. 15. **Invasive species.** "Invasive species" means an exotic ~~or nonnative~~ species
9.3 whose introduction and establishment causes, or may cause, economic or environmental
9.4 harm or harm to human health.

9.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.6 Sec. 18. Minnesota Statutes 2022, section 18G.02, subdivision 16, is amended to read:

9.7 Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for
9.8 purposes of identification or separation, to, on, around, or near, plants or plant material
9.9 known or suspected to be infested or infected with a plant pest or that otherwise needs to
9.10 be distinguished from other plants or materials. This includes, but is not limited to, paint,
9.11 markers, tags, seals, stickers, tape, ribbons, signs, or placards.

9.12 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.13 Sec. 19. Minnesota Statutes 2022, section 18G.02, subdivision 20, is amended to read:

9.14 Subd. 20. **Person Entity.** "Person Entity" means ~~an individual,~~ a registered business
9.15 such as a firm, corporation, partnership, association, trust, joint stock company, or
9.16 unincorporated organization, or sole proprietorship; the state; a state agency; or a political
9.17 subdivision.

9.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.19 Sec. 20. Minnesota Statutes 2022, section 18G.02, subdivision 22, is amended to read:

9.20 Subd. 22. **Phytosanitary certificate or export certificate.** "Phytosanitary certificate"
9.21 or "export certificate" means a document authorized or prepared by a duly authorized federal
9.22 or state official that affirms, declares, or verifies that an article, ~~nursery stock,~~ plant, plant
9.23 product, shipment, or any other officially regulated article meets applicable, legally
9.24 established, plant pest regulations, including this chapter.

9.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.26 Sec. 21. Minnesota Statutes 2022, section 18G.02, subdivision 24, is amended to read:

9.27 Subd. 24. **Plant pest.** "Plant pest" ~~includes, but is not limited to, an invasive species or~~
9.28 ~~any pest of plants, agricultural commodities, horticultural products, nursery stock, or~~
9.29 ~~noncultivated plants by organisms such as~~ means any organism determined by the
9.30 commissioner to be capable of causing harm to terrestrial plants, including but not limited

10.1 to insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma-like
 10.2 organisms, weeds, ~~plants~~, and parasitic plants.

10.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

10.4 Sec. 22. Minnesota Statutes 2022, section 18G.02, subdivision 30, is amended to read:

10.5 Subd. 30. **Significant damage or harm.** "Significant damage" or "harm" means a level
 10.6 of adverse impact that results in unacceptable economic damage, injury, or loss ~~that exceeds~~
 10.7 ~~the cost of control~~ for a particular ~~crop~~ plant.

10.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

10.9 Sec. 23. Minnesota Statutes 2022, section 18G.03, subdivision 1, is amended to read:

10.10 Subdivision 1. **Entry and inspection.** (a) The commissioner may enter and inspect a
 10.11 public or private place that might harbor plant pests and may require that the owner destroy
 10.12 or treat plant pests, plants, or other material.

10.13 (b) If the owner fails to properly comply with a directive of the commissioner, the
 10.14 commissioner may have any necessary work done at the owner's expense. The commissioner
 10.15 shall notify the owner of the deadline for paying those expenses. If the owner does not
 10.16 reimburse the commissioner for an expense within a time specified by the commissioner,
 10.17 the expense is a charge upon the county as provided in subdivision 4.

10.18 (c) If a ~~harmful~~ plant pest infestation or infection threatens plants of an area in the state,
 10.19 the commissioner may take any measures necessary to eliminate or alleviate the potential
 10.20 significant damage or harm.

10.21 (d) The commissioner may collect fees required by this chapter.

10.22 (e) The commissioner may issue and enforce written or printed "stop-sale" orders,
 10.23 compliance agreements, and other directives and requests to the owner or custodian of any
 10.24 plants or articles infested or infected with a ~~harmful~~ plant pest.

10.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

10.26 Sec. 24. Minnesota Statutes 2022, section 18G.04, subdivision 2, is amended to read:

10.27 Subd. 2. **Control order.** In order to prevent the introduction or spread of ~~harmful or~~
 10.28 ~~dangerous~~ plant pests, the commissioner may issue orders for necessary control measures.
 10.29 These orders may indicate the type of specific control to be used, the compound or material,
 10.30 the manner or the time of application, and who is responsible for carrying out the control

11.1 order. Control orders may include directions to control or abate the plant pest to an acceptable
 11.2 level; eradicate the plant pest; restrict the movement of the plant pest or any material, article,
 11.3 appliance, plant, or means of conveyance suspected to be carrying the plant pest; or destroy
 11.4 plants or plant products infested or infected with a plant pest. Material suspected of being
 11.5 infested or infected with a plant pest may be confiscated by the commissioner.

11.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

11.7 Sec. 25. Minnesota Statutes 2022, section 18G.05, is amended to read:

11.8 **18G.05 DISCOVERY OF PLANT PESTS; OFFICIAL MARKING OF INFESTED**
 11.9 **OR INFECTED ARTICLES.**

11.10 Upon knowledge of the existence of a ~~dangerous or injurious~~ plant pest ~~or invasive~~
 11.11 ~~species~~ within the state, the commissioner may conspicuously mark all plants, infested areas,
 11.12 materials, and articles known or suspected to be infected or infested with the plant pest ~~or~~
 11.13 ~~invasive species. Persons, owners, or tenants~~ An entity or individual in possession of the
 11.14 premises or area in which the existence of the plant pest ~~or invasive species~~ is suspected
 11.15 must be notified by the commissioner with prescribed control measures. ~~A person~~ An entity
 11.16 or individual must comply with the commissioner's control order within the prescribed time.
 11.17 If the commissioner determines that satisfactory control or mitigation of the pest has been
 11.18 achieved, the order must be released.

11.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

11.20 Sec. 26. Minnesota Statutes 2022, section 18G.06, subdivision 2, is amended to read:

11.21 Subd. 2. **Quarantine notice.** (a) The commissioner may issue orders to take prompt
 11.22 regulatory action in plant pest emergencies on regulated articles. If continuing quarantine
 11.23 action is required, a formal quarantine may be imposed. Orders may be issued to retain
 11.24 necessary quarantine action on a few properties if eradication treatments have been applied
 11.25 and continuing quarantine action is no longer necessary for the majority of the regulated
 11.26 area.

11.27 (b) The commissioner may place an emergency regulation or quarantine in effect without
 11.28 prior public notice in order to take immediate regulatory action to prevent the introduction
 11.29 or establishment of a plant pest.

11.30 (c) The commissioner may enter into cooperative agreements with the United States
 11.31 Department of Agriculture and other federal, state, city, or county agencies to assist in the
 11.32 enforcement of federal quarantines. The commissioner may adopt a quarantine or regulation

12.1 against a plant pest or an area not covered by a federal quarantine. The commissioner may
12.2 seize, destroy, or require treatment of products moved from a federally regulated area if
12.3 they were not moved in accordance with the federal quarantine regulations or, if certified,
12.4 they were found to be infested with the pest organism.

12.5 (d) The commissioner may impose a quarantine against a plant pest that is not quarantined
12.6 in other states to prevent the spread of the plant pest within this state. The commissioner
12.7 may enact a quarantine against a plant pest of regional or national significance even when
12.8 no federal domestic quarantine has been adopted. These quarantines regulate intrastate
12.9 movement between quarantined and nonquarantined areas of this state. The commissioner
12.10 may enact a parallel state quarantine if there is a federal quarantine applied to a portion of
12.11 the state.

12.12 (e) The commissioner may impose a state exterior quarantine if the plant pest is not
12.13 established in this state but is established in other states. State exterior quarantines may be
12.14 enacted even if no federal domestic quarantine has been adopted. The commissioner may
12.15 issue control orders at destinations necessary to prevent the introduction or spread of plant
12.16 pests.

12.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

12.18 Sec. 27. Minnesota Statutes 2022, section 18G.06, subdivision 5, is amended to read:

12.19 Subd. 5. **Public notification of a state quarantine or emergency regulation.** (a) For
12.20 plant pest threats of imminent concern, the commissioner may declare an emergency
12.21 quarantine or enact emergency orders.

12.22 (b) If circumstances permit, public notice and a public hearing must be held to solicit
12.23 comments regarding the proposed state quarantine. If a plant pest threat is of imminent
12.24 concern and there is insufficient time to allow full public comment on the proposed
12.25 quarantine, the commissioner may impose an emergency quarantine until a state quarantine
12.26 can be implemented.

12.27 (c) Upon establishment of a state quarantine, and upon institution of modifications or
12.28 repeal, notices must be sent to the principal parties of interest, including federal and state
12.29 authorities, and to organizations representing the public involved in the restrictive measures.

12.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

13.1 Sec. 28. Minnesota Statutes 2022, section 18G.10, subdivision 4, is amended to read:

13.2 Subd. 4. **Phytosanitary and export certificates.** An exporter of plants or plant products
13.3 desiring to originate shipments from Minnesota to a foreign country requiring a phytosanitary
13.4 certificate or export certificate must submit an application to the commissioner. Application
13.5 for phytosanitary certificates or export certificates must be made on forms provided or
13.6 approved by the commissioner or the USDA. The commissioner may conduct inspections
13.7 of plants, plant products, or facilities for persons that have applied for or intend to apply
13.8 for a phytosanitary certificate or export certificate from the commissioner.

13.9 The commissioner may issue a phytosanitary certificate or export certificate if the plants
13.10 or plant products satisfactorily meet the requirements of the importing state or foreign
13.11 country and the United States Department of Agriculture requirements. The requirements
13.12 of the destination states or countries must be met by the applicant.

13.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

13.14 Sec. 29. Minnesota Statutes 2022, section 18G.10, subdivision 5, is amended to read:

13.15 Subd. 5. **Certificate fees.** (a) The commissioner shall assess fees sufficient to recover
13.16 all costs for the inspection, service, and work performed in carrying out the issuance of a
13.17 phytosanitary certificate or export certificate.

13.18 (b) If laboratory analysis or other technical analysis is required to issue a certificate, the
13.19 commissioner must set and collect the fee to recover this additional cost.

13.20 (c) The certificate fee is \$75 or a fee amount, not to exceed \$300, that is sufficient to
13.21 recover all processing costs for each phytosanitary or export certificate issued. The certificate
13.22 fee is in addition to any mileage or inspection time charges that are assessed.

13.23 (d) For services provided for in subdivision 7 that are goods and services provided for
13.24 the direct and primary use of a private individual, business, or other entity, the commissioner
13.25 must set and collect the fees to cover the cost of the services provided.

13.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

13.27 Sec. 30. Minnesota Statutes 2022, section 18G.10, subdivision 6, is amended to read:

13.28 Subd. 6. **Certificate denial or cancellation.** The commissioner may deny or cancel the
13.29 issuance of a phytosanitary or export certificate for any of the following reasons:

14.1 (1) failure of the plants or plant products to meet quarantine, regulations, and requirements
 14.2 imposed by the country, state, or other jurisdiction for which the phytosanitary or export
 14.3 certificate is being requested;

14.4 (2) failure to completely or accurately provide the information requested on the
 14.5 application form;

14.6 (3) failure to ship the exact plants or plant products which were inspected and approved;
 14.7 or

14.8 (4) failure to pay any fees or costs due the commissioner.

14.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

14.10 Sec. 31. Minnesota Statutes 2022, section 18G.11, subdivision 1, is amended to read:

14.11 Subdivision 1. **Detection and control agreements.** The commissioner may enter into
 14.12 cooperative agreements with organizations, ~~persons~~ entities, civic groups, governmental
 14.13 agencies, or other organizations to adopt and execute plans to detect and control areas
 14.14 infested or infected with ~~harmful~~ plant pests. The cooperative agreements may include
 14.15 provisions of joint funding of any control treatment.

14.16 If a ~~harmful~~ plant pest infestation or infection occurs and cannot be adequately controlled
 14.17 by ~~individual persons~~ individuals, entities, owners, tenants, or local units of government,
 14.18 the commissioner may conduct the necessary control measures independently or on a
 14.19 cooperative basis with federal or other units of government.

14.20 **EFFECTIVE DATE.** This section is effective August 1, 2023.

14.21 Sec. 32. Minnesota Statutes 2022, section 18G.12, subdivision 1, is amended to read:

14.22 Subdivision 1. **Plant pest and invasive species research.** The commissioner shall
 14.23 conduct research to prevent the introduction or spread of ~~invasive species and~~ plant pests
 14.24 that are also terrestrial invasive species into the state and to investigate the feasibility of
 14.25 their control or eradication.

14.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

14.27 Sec. 33. Minnesota Statutes 2022, section 18G.12, subdivision 2, is amended to read:

14.28 Subd. 2. **Statewide program.** The commissioner shall establish a statewide program to
 14.29 prevent the introduction and the spread of ~~harmful plant pest and~~ pests that are also terrestrial

15.1 invasive species. To the extent possible, the program must provide coordination of efforts
15.2 among governmental entities and private organizations.

15.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

15.4 Sec. 34. Minnesota Statutes 2022, section 18H.02, subdivision 2, is amended to read:

15.5 Subd. 2. **Agent.** "Agent" means ~~a person~~ an entity who, on behalf of another ~~person~~
15.6 entity, receives on consignment, contracts for, or solicits for sale on commission, a plant
15.7 product from a producer or supplier of the product or negotiates the consignment or purchase
15.8 of a plant product on behalf of another ~~person~~ entity.

15.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

15.10 Sec. 35. Minnesota Statutes 2022, section 18H.02, subdivision 3, is amended to read:

15.11 Subd. 3. **Annual.** "Annual" means a plant ~~growing in Minnesota~~ with a life cycle of less
15.12 than one year when grown in Minnesota.

15.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

15.14 Sec. 36. Minnesota Statutes 2022, section 18H.02, subdivision 8, is amended to read:

15.15 Subd. 8. **Consignee.** "Consignee" means ~~a person~~ an entity to whom a plant, nursery
15.16 stock, horticultural product, or plant product is shipped for handling, planting, sale, resale,
15.17 or any other purpose.

15.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

15.19 Sec. 37. Minnesota Statutes 2022, section 18H.02, subdivision 9, is amended to read:

15.20 Subd. 9. **Consignor.** "Consignor" means ~~a person~~ an entity who ships or delivers to a
15.21 consignee a plant, nursery stock, horticultural product, or plant product for handling, planting,
15.22 sale, resale, or any other purpose.

15.23 **EFFECTIVE DATE.** This section is effective August 1, 2023.

15.24 Sec. 38. Minnesota Statutes 2022, section 18H.02, subdivision 12, is amended to read:

15.25 Subd. 12. **Distribute.** "Distribute" means offer for sale, sell, barter, give away, ship,
15.26 deliver for shipment, receive and deliver, offer to deliver, receive on consignment, contract
15.27 for, solicit for sale on commission, or negotiate the consignment or purchase in this state.

15.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.1 Sec. 39. Minnesota Statutes 2022, section 18H.02, subdivision 12b, is amended to read:

16.2 Subd. 12b. **Etiolated growth.** "Etiolated growth" means ~~bleached and unnatural growth~~
16.3 ~~resulting from the exclusion of sunlight~~ plant growth with reduced or no chlorophyll
16.4 production due to a lack of sunlight. Etiolated growth is evidenced by pale, yellowish or
16.5 white plants and weak, spindly stems.

16.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.7 Sec. 40. Minnesota Statutes 2022, section 18H.02, subdivision 12c, is amended to read:

16.8 Subd. 12c. **Individual.** "Individual" means a human being who is not the sole proprietor
16.9 of a registered business selling plants for planting.

16.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.11 Sec. 41. Minnesota Statutes 2022, section 18H.02, subdivision 14, is amended to read:

16.12 Subd. 14. **Infested.** "Infested" means a plant ~~has been overrun by~~ that contains an
16.13 unacceptable level of plant pests, including weeds, or contains or harbors plant pests in a
16.14 quantity that may threaten other plants.

16.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.16 Sec. 42. Minnesota Statutes 2022, section 18H.02, is amended by adding a subdivision to
16.17 read:

16.18 Subd. 15a. **Label.** "Label" means a legible tag or other signage attached to a specific
16.19 plant or plant container that provides the identity of the plant and any other required or
16.20 relevant information regarding the plant.

16.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.22 Sec. 43. Minnesota Statutes 2022, section 18H.02, subdivision 16, is amended to read:

16.23 Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for
16.24 purposes of identification or separation to, on, around, or near plants or plant material known
16.25 or suspected to be infested or infected with a plant pest or to otherwise distinguish the plants
16.26 or plant material from other plants or materials. This includes, but is not limited to, paint,
16.27 markers, tags, seals, stickers, tape, ribbons, signs, or placards.

16.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

17.1 Sec. 44. Minnesota Statutes 2022, section 18H.02, subdivision 18, is amended to read:

17.2 Subd. 18. **Nursery certificate.** "Nursery certificate" means a document issued by the
 17.3 commissioner recognizing that ~~a person~~ an entity is eligible to sell, offer for sale, or distribute
 17.4 certified nursery stock at a particular location under a specified business name.

17.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

17.6 Sec. 45. Minnesota Statutes 2022, section 18H.02, subdivision 20, is amended to read:

17.7 Subd. 20. **Nursery stock.** "Nursery stock" means a plant intended for planting or
 17.8 propagation, including, but not limited to, trees, shrubs, vines, perennials, biennials, grafts,
 17.9 cuttings, and buds that may be sold for propagation, whether cultivated or wild, and all
 17.10 viable parts of these plants. Nursery stock does not include:

17.11 (1) field and forage crops or sod;

17.12 (2) seeds;

17.13 (3) vegetable plants, bulbs, or tubers;

17.14 (4) cut material such as flowers or other herbaceous or woody plants, unless stems or
 17.15 other portions are intended for propagation;

17.16 (5) tropical plants;

17.17 ~~(5)~~ (6) annuals; or

17.18 ~~(6)~~ (7) Christmas trees.

17.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

17.20 Sec. 46. Minnesota Statutes 2022, section 18H.02, subdivision 24, is amended to read:

17.21 Subd. 24. **Owner.** "Owner" includes, but is not limited to, the ~~person~~ entity with the
 17.22 legal right of possession, proprietorship of, or responsibility for the property or place where
 17.23 any of the articles regulated in this chapter are found, or the ~~person~~ entity who is in possession
 17.24 of, proprietorship of, or has responsibility for the regulated articles.

17.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

17.26 Sec. 47. Minnesota Statutes 2022, section 18H.02, subdivision 24a, is amended to read:

17.27 Subd. 24a. **Packaged nursery stock.** "Packaged nursery stock" means bare root nursery
 17.28 stock packed with the roots in moisture-retaining material encased in plastic film or other
 17.29 material designed to hold the moisture-retaining material in place.

18.1 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.2 Sec. 48. Minnesota Statutes 2022, section 18H.02, subdivision 25, is amended to read:

18.3 Subd. 25. **Person Entity.** "Person" "Entity" means ~~an individual,~~ a registered business
 18.4 such as a firm, a corporation, a partnership, an association, a trust, a joint stock company,
 18.5 an unincorporated organization, or a sole proprietorship; the state_;; a state agency_;; or a
 18.6 political subdivision.

18.7 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.8 Sec. 49. Minnesota Statutes 2022, section 18H.02, subdivision 26, is amended to read:

18.9 Subd. 26. **Place of origin.** "Place of origin" means the county and state where nursery
 18.10 stock was most recently certified or grown for at least one ~~full~~ growing season.

18.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.12 Sec. 50. Minnesota Statutes 2022, section 18H.02, subdivision 28, is amended to read:

18.13 Subd. 28. **Plant pest.** "Plant pest" means ~~a biotic agent that causes or may cause harm~~
 18.14 ~~to~~ any organism that the commissioner determines is capable of causing harm to terrestrial
 18.15 plants, including but not limited to insects, snails, nematodes, fungi, viruses, bacteria,
 18.16 microorganisms, mycoplasma-like organisms, weeds, and parasitic plants.

18.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.18 Sec. 51. Minnesota Statutes 2022, section 18H.02, subdivision 32, is amended to read:

18.19 Subd. 32. **Sales location.** "Sales location" means a fixed location from which certified
 18.20 nursery stock is ~~displayed or distributed~~ or displayed with the intent to sell.

18.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.22 Sec. 52. Minnesota Statutes 2022, section 18H.02, subdivision 33, is amended to read:

18.23 Subd. 33. **Tree spade.** "Tree spade" means a mechanical device or machinery capable
 18.24 of removing nursery stock, root system, and soil from ~~the~~ a planting in one operation.

18.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

19.1 Sec. 53. Minnesota Statutes 2022, section 18H.03, subdivision 6, is amended to read:

19.2 Subd. 6. **Dissemination of information.** The commissioner may disseminate information
 19.3 among growers ~~relative to~~ regarding the treatment of nursery stock ~~in both prevention and~~
 19.4 ~~elimination of~~ to prevent or eliminate the attack ~~by~~ of plant pests and diseases.

19.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

19.6 Sec. 54. Minnesota Statutes 2022, section 18H.04, is amended to read:

19.7 **18H.04 ADOPTION OF RULES.**

19.8 The commissioner may adopt rules to carry out the purposes of this chapter. The rules
 19.9 may include, but are not limited to, rules in regard to labeling and the maintenance of
 19.10 viability and vigor of nursery stock. ~~Rules of the commissioner that are in effect on July 1,~~
 19.11 ~~2003, relating to plant protection, nursery inspection, or the Plant Pest Act remain in effect~~
 19.12 ~~until they are superseded by new rules.~~

19.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

19.14 Sec. 55. Minnesota Statutes 2022, section 18H.05, is amended to read:

19.15 **18H.05 NURSERY CERTIFICATE REQUIREMENTS.**

19.16 (a) No person may offer for sale or distribute certified nursery stock as a nursery stock
 19.17 grower or dealer without first obtaining the appropriate ~~nursery stock~~ certificate from the
 19.18 commissioner. The commissioner may not issue a certificate to ~~a person~~ an entity who does
 19.19 not sell certified nursery stock. Certificates are issued solely for these purposes and may
 19.20 not be used for other purposes.

19.21 (b) A certificate issued by the commissioner expires on December 31 of the year it is
 19.22 issued.

19.23 (c) ~~A person~~ An entity required to be certified by this section must apply for a certificate
 19.24 or for renewal on a form ~~furnished~~ established by the commissioner ~~which~~ that must contain:

19.25 (1) the name ~~and~~, address, and contact information of the applicant;

19.26 ~~the number of locations to be operated by the applicant and their addresses, and~~

19.27 (2) the assumed business name of the applicant;

19.28 ~~(2) if other than an individual, a statement whether a person is a partnership, corporation,~~
 19.29 ~~or other organization;~~

20.1 ~~(3) the type of business to be operated and, if the applicant is an agent, the principals~~
 20.2 ~~the applicant represents; and~~

20.3 (3) the address of the sales location;

20.4 (4) the address or geographical description of any additional location where nursery
 20.5 stock will be handled, if applicable; and

20.6 ~~(4)~~ (5) the source or sources of purchased nursery stock.

20.7 (d) No person entity may:

20.8 (1) falsely claim to be a certified dealer, grower, broker, or agent;

20.9 (2) make willful false statements when applying for a certificate; or

20.10 (3) sell or distribute certified nursery stock to an uncertified nursery stock dealer who
 20.11 is required to be certified or nursery stock grower.

20.12 (e) Each application for a certificate must be accompanied by the appropriate certificate
 20.13 fee under section 18H.07.

20.14 (f) Certificates issued by the commissioner ~~must~~ should be prominently displayed to the
 20.15 public in the place of business where certified nursery stock is sold or distributed.

20.16 (g) The commissioner may refuse to issue a certificate for cause.

20.17 (h) Each grower or dealer is entitled to one sales location under the certificate of the
 20.18 grower or dealer. Each additional sales location maintained by the person entity requires
 20.19 the payment of the full certificate fee ~~for each additional sales outlet.~~

20.20 (i) A grower who is also a dealer is certified only as a grower for that specific site.

20.21 (j) A certificate is personal to the applicant and may not be transferred. A new certificate
 20.22 is necessary if the business entity is changed or if the membership of a partnership is changed,
 20.23 whether or not the business name is changed.

20.24 (k) The certificate issued to a dealer or grower applies to the particular premises named
 20.25 in the certificate. However, if prior approval is obtained from the commissioner, the place
 20.26 of business may be moved to the other premises or location without an additional certificate
 20.27 fee.

20.28 (l) A collector of nursery stock from the wild is required to obtain a dealer's certificate
 20.29 from the commissioner and is subject to all the requirements that apply to the inspection of
 20.30 nursery stock. All collected nursery stock must be labeled as "collected from the wild."

20.31 **EFFECTIVE DATE.** This section is effective August 1, 2023.

21.1 Sec. 56. Minnesota Statutes 2022, section 18H.06, subdivision 2, is amended to read:

21.2 Subd. 2. **Occasional sales.** (a) An individual may offer nursery stock for sale and be
21.3 exempt from the requirement to obtain a nursery stock certificate if:

21.4 (1) the gross sales of all nursery stock in a calendar year do not exceed ~~\$2,000~~ \$1,000;

21.5 (2) all nursery stock sold or distributed by the individual is intended for planting in
21.6 Minnesota;

21.7 (3) all nursery stock ~~purchased or procured for resale or distribution was grown in~~
21.8 ~~Minnesota and has been certified by the commissioner~~ sold or distributed was grown by
21.9 the individual in Minnesota; and

21.10 (4) the individual conducts sales or distributions of nursery stock on ten or fewer days
21.11 in a calendar year.

21.12 ~~(b) A municipality may offer certified nursery stock for sale and be exempt from the~~
21.13 ~~requirement to obtain a nursery stock certificate if:~~

21.14 ~~(1) all nursery stock offered for sale or distributed is intended for planting by residents~~
21.15 ~~of the municipality on public property or public easements within the municipal boundary;~~

21.16 ~~(2) all nursery stock purchased or procured for resale or distribution is grown in~~
21.17 ~~Minnesota and has been certified by the commissioner; and~~

21.18 ~~(3) the municipality submits to the commissioner before any sale or distribution of~~
21.19 ~~nursery stock a list of all suppliers who provide the municipality with nursery stock.~~

21.20 ~~(e)~~ (b) The commissioner may prescribe the conditions of the exempt nursery sales under
21.21 this subdivision and may conduct routine inspections of the nursery stock offered for sale.

21.22 **EFFECTIVE DATE.** This section is effective August 1, 2023.

21.23 Sec. 57. Minnesota Statutes 2022, section 18H.07, is amended by adding a subdivision to
21.24 read:

21.25 Subd. 3a. **Waiver of fees.** (a) A nonprofit organization or an individual may offer for
21.26 sale certified nursery stock and be exempt from the requirement to pay certificate fees if
21.27 the nonprofit organization or individual:

21.28 (1) sells or distributes certified nursery stock on ten or fewer days in a calendar year;

21.29 (2) uses the proceeds from certified nursery stock sales or distributions for nonprofit
21.30 purposes; and

22.1 (3) obtains a nursery stock certificate.

22.2 (b) A municipality may offer for sale certified nursery stock and be exempt from the
22.3 requirement to pay certificate fees if:

22.4 (1) all nursery stock offered for sale or distributed is intended for planting by residents
22.5 of the municipality on public property or public easements in the municipality;

22.6 (2) all nursery stock purchased or procured for resale or distribution is grown in
22.7 Minnesota and has been certified by the commissioner; and

22.8 (3) the municipality obtains a live plant dealer certificate.

22.9 (c) The commissioner may prescribe the conditions of nursery fee waivers and may
22.10 conduct routine inspections of nursery stock offered for sale.

22.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

22.12 Sec. 58. Minnesota Statutes 2022, section 18H.07, subdivision 4, is amended to read:

22.13 Subd. 4. **Reinspection; additional or optional inspection fees.** ~~If a reinspection an~~
22.14 irregular inspection is required or an additional inspection is needed or requested, a fee ~~must~~
22.15 may be assessed based on mileage and inspection time as follows:

22.16 (1) mileage must be charged at the current United States Internal Revenue Service
22.17 reimbursement rate; and

22.18 (2) inspection time must be charged at a rate sufficient to recover all inspection costs,
22.19 including the driving time to and from the location in addition to the time spent conducting
22.20 the inspection.

22.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

22.22 Sec. 59. Minnesota Statutes 2022, section 18H.08, subdivision 1, is amended to read:

22.23 Subdivision 1. **Services and fees.** The commissioner may make small lot inspections
22.24 or perform other necessary services for which another charge is not specified. For these
22.25 services, the commissioner ~~shall~~ may set a fee plus expenses that will recover the cost of
22.26 performing this service. The commissioner may set an additional acreage fee for inspection
22.27 of seed production fields for exporters in order to meet domestic and foreign plant quarantine
22.28 requirements.

22.29 **EFFECTIVE DATE.** This section is effective August 1, 2023.

23.1 Sec. 60. Minnesota Statutes 2022, section 18H.09, is amended to read:

23.2 **18H.09 NURSERY STOCK CERTIFICATION REQUIREMENTS.**

23.3 (a) All nursery stock growing at sites identified by nursery stock dealers or nursery stock
 23.4 growers and submitted for inspection must be inspected by the commissioner within the
 23.5 previous 12 months prior to sale and found apparently free from ~~quarantine and regulated~~
 23.6 ~~nonquarantine pests as well as significantly dangerous or potentially damaging~~ plant pests.
 23.7 The commissioner may waive a site inspection under the following conditions:

23.8 (1) the nursery stock is not going to be sold within 12 months;

23.9 (2) the nursery stock will not be moved out of Minnesota; and

23.10 (3) the nursery site or stock is not subject to certification requirements associated with
 23.11 a state or federally regulated or quarantined plant pest.

23.12 All nursery stock originating from out of state and offered for sale in Minnesota must
 23.13 have been inspected by the appropriate state or federal agency during the previous 12 months
 23.14 and found free from ~~quarantine and regulated nonquarantine pests as well as~~ significantly
 23.15 dangerous or potentially damaging plant pests. A nursery stock certificate is valid from
 23.16 January 1 to December 31.

23.17 (b) Nursery stock must be accessible to the commissioner for inspection during regular
 23.18 business hours. Weeds or other growth that hinder a proper inspection are grounds to suspend
 23.19 or withhold a certificate or require a reinspection for which a fee may be charged.

23.20 (c) Inspection reports issued to growers must contain a list of the plant pests found at
 23.21 the time of inspection. Withdrawal-from-distribution or other orders are considered part of
 23.22 the inspection reports. A withdrawal-from-distribution or other order must contain a list of
 23.23 plants withdrawn from distribution and the location of the plants.

23.24 (d) The commissioner may ~~post signs to delineate~~ mark sections withdrawn from
 23.25 distribution or subject to other special circumstances. These ~~signs~~ marks must remain in
 23.26 place until the commissioner removes ~~them~~ the marks or grants written permission to the
 23.27 grower to remove the ~~signs~~ marks.

23.28 (e) Inspection reports issued to dealers must outline the violations involved and corrective
 23.29 actions to be taken including withdrawal-from-distribution orders which would specify
 23.30 nursery stock that could not be distributed from a certain area.

24.1 (f) Optional inspections of plants may be conducted by the commissioner upon request
 24.2 by any ~~persons~~ entity desiring an inspection. A fee as provided in section 18H.07 must be
 24.3 charged for such an inspection.

24.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

24.5 Sec. 61. Minnesota Statutes 2022, section 18H.10, is amended to read:

24.6 **18H.10 STORAGE OF NURSERY STOCK.**

24.7 (a) All nursery stock must be kept and displayed under conditions of temperature, light,
 24.8 and moisture sufficient to maintain the viability and vigor of the nursery stock.

24.9 (b) Packaged ~~dormant~~ nursery stock must be stored under conditions that retard growth,
 24.10 prevent etiolated growth, and protect its viability.

24.11 (c) Balled and burlapped nursery stock being held for sale ~~to the public~~ must be kept in
 24.12 a moisture-holding material approved by the commissioner and not toxic to plants. The
 24.13 moisture-holding material must adequately cover and protect the ball of earth and must be
 24.14 kept moist at all times. The commissioner may approve alternative nursery stock management
 24.15 practices to maintain the viability of balled and burlapped stock.

24.16 **EFFECTIVE DATE.** This section is effective August 1, 2023.

24.17 Sec. 62. Minnesota Statutes 2022, section 18H.12, is amended to read:

24.18 **18H.12 DAMAGED, DISEASED, INFESTED, OR MISREPRESENTED STOCK.**

24.19 (a) No ~~person~~ entity may knowingly offer to distribute, advertise, or display nursery
 24.20 stock that is infested or infected with ~~quarantine or regulated nonquarantine pests or~~
 24.21 ~~significant dangerous or potentially damaging plant pests, including noxious weeds or~~
 24.22 nursery stock that is in a dying condition, desiccated, frozen or damaged by freezing, or
 24.23 materially damaged in any way.

24.24 (b) No ~~person~~ entity may knowingly offer to distribute, advertise, or display nursery
 24.25 stock that may result in the capacity and tendency or effect of deceiving any purchaser or
 24.26 prospective purchaser as to the quantity, size, grade, kind, species name, age, variety,
 24.27 maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth
 24.28 characteristics, rate of growth, time required before flowering or fruiting, price, origin, place
 24.29 where grown, or any other material respect.

24.30 (c) Upon discovery or notification of damaged, diseased, infested, or misrepresented
 24.31 stock, the commissioner may place a ~~stop-sale~~ stop sale and a withdrawal from distribution

25.1 order on the material. The order makes it an illegal action to distribute, give away, destroy,
25.2 alter, or tamper with the plants.

25.3 (d) The commissioner may conspicuously mark all plants, materials, and articles known
25.4 or suspected to be infected or infested with ~~quarantine or regulated nonquarantine pests or~~
25.5 ~~significant dangerous or potentially damaging~~ plant pests. The commissioner shall notify
25.6 the persons, owners, or the tenants in possession of the premises or area in question of the
25.7 existence of the plant pests.

25.8 (e) If the commissioner determines that this chapter has been violated, the commissioner
25.9 may order that the nuisance, infestation, infection, or plant pest be abated by whatever means
25.10 necessary, including, but not limited to, destruction, confiscation, treatment, return shipment,
25.11 or quarantine.

25.12 (f) The plant owner is liable for all costs associated with a stop order or a quarantine,
25.13 treatment, or destruction of plants. The commissioner is not liable for any actual or incidental
25.14 costs incurred by ~~a person~~ an entity due to authorized actions of the commissioner. The
25.15 commissioner must be reimbursed by the owner of plants for actual expenses incurred by
25.16 the commissioner in carrying out a stop order.

25.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

25.18 Sec. 63. Minnesota Statutes 2022, section 18H.13, is amended to read:

25.19 **18H.13 SHIPMENT OF NURSERY STOCK INTO MINNESOTA.**

25.20 Subdivision 1. **Identification of origin.** Proof of valid nursery certification and origin
25.21 of all nursery stock must accompany ~~the~~ any shipment. It is the shared responsibility of
25.22 both the consignee and consignor to examine all shipments for the presence of current and
25.23 applicable nursery stock certifications for all plant material from all sources of stock in each
25.24 shipment.

25.25 Subd. 2. **Reciprocity.** ~~A person~~ An entity residing outside the state may distribute nursery
25.26 stock in Minnesota if:

25.27 (1) the ~~person~~ entity is duly certified under the nursery laws of the state where the nursery
25.28 stock originates and the laws of that state are essentially equivalent to the laws of Minnesota
25.29 as determined by the commissioner; and

25.30 (2) the ~~person~~ entity complies with this chapter and the rules governing nursery stock
25.31 distributed in Minnesota.

26.1 Subd. 3. **Reciprocal agreements.** The commissioner may cooperate with and enter into
 26.2 reciprocal agreements with other states regarding licensing and movement of nursery stock.
 26.3 Reciprocal agreements with other states do not prevent the commissioner from prohibiting
 26.4 the distribution in Minnesota of any nursery stock that fails to meet minimum criteria for
 26.5 nursery stock of Minnesota certified growers, dealers, or both. An official directory of
 26.6 certified nurseries and related nursery industry businesses from other states is acceptable
 26.7 in lieu of individual nursery certificates.

26.8 Subd. 4. **Foreign nursery stock.** ~~A person~~ An entity receiving a shipment of nursery
 26.9 stock from a foreign country that has not been inspected and released by the United States
 26.10 Department of Agriculture at the port of entry must notify the commissioner of the arrival
 26.11 of the shipment, its contents, and the name of the consignor. The ~~person~~ entity must hold
 26.12 the shipment unopened until inspected or released by the commissioner.

26.13 Subd. 5. **Transportation companies.** ~~A person~~ An entity who acts as the representative
 26.14 of a transportation company, private carrier, commercial shipper, common carrier, express
 26.15 parcel carrier, or other transportation entity, and receives, ships, or otherwise distributes a
 26.16 carload, box, container, or any package of plants, plant materials, or nursery stock, that does
 26.17 not have all required certificates attached as required or fails to immediately notify the
 26.18 commissioner is in violation of this chapter.

26.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

26.20 Sec. 64. Minnesota Statutes 2022, section 18H.14, is amended to read:

26.21 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

26.22 (a) Plants, plant materials, or nursery stock must not be labeled or advertised with false
 26.23 or misleading information including, but not limited to, the scientific name, variety, place
 26.24 of origin, and hardiness zone as defined by the United States Department of Agriculture,
 26.25 ~~and growth habit.~~

26.26 (b) All nonhardy nursery stock as designated by the commissioner must be labeled
 26.27 correctly for hardiness or be labeled "nonhardy" in Minnesota.

26.28 (c) ~~A person~~ An entity may not offer for distribution plants, plant materials, or nursery
 26.29 stock, represented by some specific or special form of notation, including, but not limited
 26.30 to, "free from" or "grown free of," unless the plants are produced under a specific program
 26.31 approved by the commissioner to address the specific plant properties addressed in the
 26.32 special notation claim.

27.1 (d) Nursery stock collected from the wild state must be inspected and certified prior to
 27.2 sale and at the time of sale must be labeled "Collected from the Wild." The label must remain
 27.3 on each plant or clump of plants while it is offered for sale and during the distribution
 27.4 process. The collected stock may be grown in nursery rows at least two years, after which
 27.5 the plants may be sold without the labeling required by this paragraph.

27.6 (e) ~~A person~~ An entity selling at retail or providing to an end user may not label or
 27.7 advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as
 27.8 beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock
 27.9 has:

27.10 (1) been treated with a systemic insecticide that:

27.11 (i) has a pollinator protection box on the label; or

27.12 (ii) has a pollinator, bee, or honey bee precautionary statement in the environmental
 27.13 hazards section of the insecticide product label; and

27.14 (2) a concentration in its flowers greater than the no observed adverse effect level of a
 27.15 systemic insecticide.

27.16 The commissioner shall enforce this paragraph as provided in chapter 18J.

27.17 (f) For the purposes of paragraph (e):

27.18 (1) "systemic insecticide" means an insecticide that is both absorbed by the plant and
 27.19 translocated through the plant's vascular system; and

27.20 (2) "no observed adverse effect level" means the level established by the United States
 27.21 Environmental Protection Agency for acute oral toxicity for adult honeybees.

27.22 **EFFECTIVE DATE.** This section is effective August 1, 2023.

27.23 Sec. 65. Minnesota Statutes 2022, section 18H.15, is amended to read:

27.24 **18H.15 VIOLATIONS.**

27.25 (a) ~~A person~~ An entity who offers to distribute nursery stock that is uncertified,
 27.26 uninspected, or falsely labeled or advertised possesses an illegal regulated commodity that
 27.27 is considered infested or infected with ~~harmful~~ plant pests and subject to regulatory action
 27.28 and control. If the commissioner determines that the provisions of this section have been
 27.29 violated, the commissioner may order the destruction of all of the plants unless the ~~person~~
 27.30 entity:

- 28.1 (1) provides proper phytosanitary preclearance, phytosanitary certification, or nursery
 28.2 stock certification;
- 28.3 (2) agrees to have the plants, plant materials, or nursery stock returned to the consignor;
 28.4 and
- 28.5 (3) provides proper documentation, certification, or compliance to support advertising
 28.6 claims.
- 28.7 (b) The plant owner is liable for all costs associated with a withdrawal-from-distribution
 28.8 order or the quarantine, treatment, or destruction of plants. The commissioner is not liable
 28.9 for actual or incidental costs incurred by ~~a person~~ an entity due to the commissioner's actions.
 28.10 The commissioner must be reimbursed by the owner of the plants for the actual expenses
 28.11 incurred in carrying out a withdrawal-from-distribution order or the quarantine, treatment,
 28.12 or destruction of any plants.
- 28.13 (c) It is unlawful for ~~a person~~ an entity to:
- 28.14 (1) misrepresent, falsify, or knowingly distribute, sell, advertise, or display damaged,
 28.15 mislabeled, misrepresented, infested, or infected nursery stock;
- 28.16 (2) fail to obtain a nursery certificate as required by the commissioner;
- 28.17 (3) fail to renew a nursery certificate, but continue business operations;
- 28.18 ~~(4) fail to display a nursery certificate;~~
- 28.19 ~~(5)~~ (4) misrepresent or falsify a nursery certificate;
- 28.20 ~~(6)~~ (5) refuse to submit to a nursery inspection;
- 28.21 ~~(7)~~ (6) fail to provide the cooperation necessary to conduct a successful nursery
 28.22 inspection;
- 28.23 ~~(8)~~ (7) offer for sale uncertified ~~plants, plant materials, or~~ nursery stock;
- 28.24 ~~(9)~~ (8) possess an illegal regulated commodity;
- 28.25 ~~(10)~~ (9) violate or disobey a commissioner's order;
- 28.26 ~~(11)~~ (10) violate a quarantine issued by the commissioner;
- 28.27 ~~(12)~~ (11) fail to obtain phytosanitary certification for plant material or nursery stock
 28.28 brought into Minnesota;
- 28.29 ~~(13)~~ (12) deface, mutilate, or destroy a nursery stock certificate, phytosanitary certificate,
 28.30 or phytosanitary preclearance certificate, or other commissioner mark, permit, or certificate;

29.1 ~~(14)~~ (13) fail to notify the commissioner of an uncertified shipment of ~~plants, plant~~
 29.2 ~~materials, or~~ nursery stock;

29.3 ~~(15)~~ (14) transport uncertified ~~plants, plant materials, or~~ nursery stock in Minnesota; or

29.4 ~~(16)~~ (15) sell nursery stock to an uncertified nursery stock dealer who is required to be
 29.5 certified.

29.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

29.7 Sec. 66. Minnesota Statutes 2022, section 18H.18, is amended to read:

29.8 **18H.18 CONSERVATION OF CERTAIN WILDFLOWERS.**

29.9 Subdivision 1. **Restrictions on collecting.** No ~~person~~ entity shall distribute any species
 29.10 of orchids (*Orchidaceae*), any gentian (*Gentiana*), arbutus (*Epigaea repens*), lilies (*Lilium*
 29.11 species), coneflowers (*Echinacea* species), bloodroot (*Sanguinaria canadensis*), mayapple
 29.12 (*Podophyllum peltatum*), any species of trillium (*Trillium* species), or lotus (*Nelumbo*
 29.13 *lutea*), ~~which that~~ have been collected in any manner from any public or private property
 29.14 without the written permission of the property owner ~~and~~. Plants intended to be offered for
 29.15 sale must have the written authorization from the commissioner.

29.16 Subd. 2. **Collection without sale.** Wildflower collection from public or private land for
 29.17 the purpose of transplanting the plants to a ~~person's~~ an entity's private property and not
 29.18 offering for immediate sale, requires the written permission from the property owner of the
 29.19 land on which the wildflowers are growing.

29.20 Subd. 3. **Collection with intent to sell or distribute wildflowers.** (a) The wildflowers
 29.21 listed in this section may be offered for immediate sale only if the plants are to be used for
 29.22 scientific or herbarium purposes.

29.23 (b) The wildflowers listed in this section must not be collected and sold commercially
 29.24 unless the plants are:

29.25 (1) growing naturally, collected, and cultivated on the collector's property; or

29.26 (2) collected through the process described in subdivision 2 and transplanted and
 29.27 cultivated on the collector's property for at least one growing season before the sale.

29.28 (c) The collector must obtain a written permit from the commissioner before the plants
 29.29 may be offered for commercial sale.

29.30 (d) A plant sold commercially must be individually labeled with a department permit
 29.31 number.

30.1 **EFFECTIVE DATE.** This section is effective August 1, 2023.

30.2 Sec. 67. Minnesota Statutes 2022, section 18J.08, subdivision 1, is amended to read:

30.3 Subdivision 1. **Notice of appeal.** (a) After service of an order, a person has ~~45~~ 20 days
30.4 from receipt of the order to notify the commissioner in writing that the person intends to
30.5 contest the order.

30.6 (b) If the person fails to notify the commissioner that the person intends to contest the
30.7 order, the order is a final order of the commissioner and not subject to further judicial or
30.8 administrative review.

30.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

30.10 Sec. 68. Minnesota Statutes 2022, section 32D.02, subdivision 2, is amended to read:

30.11 Subd. 2. **Power and authority.** For the purpose of enforcing this chapter, the
30.12 commissioner and the commissioner's assistants, agents, and employees have the power
30.13 and authority granted under chapter 34A and sections 31.02 to 31.171.

30.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

30.15 Sec. 69. Minnesota Statutes 2022, section 32D.09, subdivision 2, is amended to read:

30.16 Subd. 2. **Permitting.** No person shall operate a dairy plant in this state unless the dairy
30.17 plant, equipment, and water supply and plumbing system have been first approved by the
30.18 commissioner and a permit issued to operate the same. ~~A permit may be revoked by the~~
30.19 ~~commissioner for due cause pursuant to section 34A.06.~~

30.20 **EFFECTIVE DATE.** This section is effective August 1, 2023.

30.21 Sec. 70. Minnesota Statutes 2022, section 34A.04, subdivision 1, is amended to read:

30.22 Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter
30.23 and chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34. To carry out the enforcement duties
30.24 under these chapters, the commissioner may, upon presenting appropriate credentials, during
30.25 regular working hours and at other reasonable times, inspect premises subject to the
30.26 commissioner's enforcement and licensing authority; require information from persons with
30.27 information relevant to an inspection; and inspect and copy relevant papers and records,
30.28 including business records.

31.1 (b) The commissioner may administer oaths, take and cause to be taken depositions of
 31.2 witnesses, and issue subpoenas, and may petition the district court in the county in which
 31.3 the premises is located to compel compliance with subpoenas or to permit an inspection.

31.4 (c) Violations of chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, or rules adopted under
 31.5 chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, are a violation of this chapter.

31.6 (d) Upon the request of the commissioner, county attorneys, sheriffs, and other officers
 31.7 having authority in the enforcement of the general criminal laws shall take action to the
 31.8 extent of their authority necessary or proper for the enforcement of this chapter or standards,
 31.9 stipulations, and agreements of the commissioner.

31.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

31.11 Sec. 71. Minnesota Statutes 2022, section 41A.16, subdivision 7, is amended to read:

31.12 Subd. 7. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for
 31.13 payment under this section must source from Minnesota at least 80 percent ~~raw materials~~
 31.14 ~~from Minnesota~~ of the biomass used to produce an advanced biofuel. If a facility is sited
 31.15 50 miles or less from the state border, ~~raw materials~~ biomass that the facility uses to produce
 31.16 an advanced biofuel may be sourced from out of state when at least 80 percent of the biomass
 31.17 is sourced within a 100-mile radius of the facility or from Minnesota. ~~Raw materials must~~
 31.18 ~~be from agricultural or forestry sources or from solid waste~~. The facility must be located in
 31.19 Minnesota, must begin production at a specific location after April 1, 2023, and before June
 31.20 30, 2025, and must not begin operating above 23,750 MMbtu of quarterly advanced biofuel
 31.21 production before July 1, 2015. Eligible facilities include existing companies and facilities
 31.22 that are adding advanced biofuel production capacity, or retrofitting existing capacity, as
 31.23 well as new companies and facilities. Production of conventional corn ethanol and
 31.24 conventional biodiesel is not eligible. Eligible advanced biofuel facilities must produce at
 31.25 least ~~23,750~~ 1,500 MMbtu of advanced biofuel quarterly.

31.26 (b) No payments shall be made for advanced biofuel production that occurs after June
 31.27 30, 2035, for those eligible biofuel producers under paragraph (a).

31.28 (c) An eligible producer of advanced biofuel shall not transfer the producer's eligibility
 31.29 for payments under this section to an advanced biofuel facility at a different location.

31.30 (d) A producer that ceases production for any reason is ineligible to receive payments
 31.31 under this section until the producer resumes production.

32.1 (e) Renewable chemical production for which payment has been received under section
32.2 41A.17, and biomass thermal production for which payment has been received under section
32.3 41A.18, are not eligible for payment under this section.

32.4 (f) Biobutanol is eligible under this section.

32.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

32.6 Sec. 72. Minnesota Statutes 2022, section 41A.17, subdivision 6, is amended to read:

32.7 Subd. 6. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for
32.8 payment under this program must source from Minnesota at least 80 percent ~~biobased~~
32.9 ~~content from Minnesota. For the purposes of this subdivision, "biobased content" means a~~
32.10 ~~chemical, polymer, monomer, or plastic that is not sold primarily for use as food, feed, or~~
32.11 ~~fuel and that has a biobased percentage of at least 51 percent as determined by testing~~
32.12 ~~representative samples using American Society for Testing and Materials specification~~
32.13 ~~D6866~~ of the biomass used to produce a renewable chemical. If a facility is sited 50 miles
32.14 or less from the state border, ~~biobased content must~~ biomass that the facility uses to produce
32.15 a renewable chemical may be sourced from out of state when at least 80 percent of the
32.16 biomass is sourced from within a 100-mile radius of the facility or from Minnesota. ~~Biobased~~
32.17 ~~content must be from agricultural or forestry sources or from solid waste.~~ The facility must
32.18 be located in Minnesota, must begin production at a specific location after April 1, 2023,
32.19 and before June 30, 2025, and must not begin production of ~~750,000~~ 250,000 pounds or
32.20 more of chemicals quarterly before January 1, 2015. Eligible facilities include existing
32.21 companies and facilities that are adding production capacity, or retrofitting existing capacity,
32.22 as well as new companies and facilities. Eligible renewable chemical facilities must produce
32.23 at least ~~750,000~~ 250,000 pounds of renewable chemicals quarterly. Renewable chemicals
32.24 produced through processes that are fully commercial before January 1, 2000, are not
32.25 eligible.

32.26 (b) No payments shall be made for renewable chemical production that occurs after June
32.27 30, 2035, for those eligible renewable chemical producers under paragraph (a).

32.28 (c) An eligible producer of renewable chemicals shall not transfer the producer's eligibility
32.29 for payments under this section to a renewable chemical facility at a different location.

32.30 (d) A producer that ceases production for any reason is ineligible to receive payments
32.31 under this section until the producer resumes production.

33.1 (e) Advanced biofuel production for which payment has been received under section
 33.2 41A.16, and biomass thermal production for which payment has been received under section
 33.3 41A.18, are not eligible for payment under this section.

33.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

33.5 Sec. 73. Minnesota Statutes 2022, section 41A.18, subdivision 6, is amended to read:

33.6 Subd. 6. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for
 33.7 payment under this section must source from Minnesota at least 80 percent ~~raw materials~~
 33.8 ~~from Minnesota~~ of the biomass used for biomass thermal production. If a facility is sited
 33.9 50 miles or less from the state border, ~~raw materials should~~ biomass that the facility uses
 33.10 for biomass thermal production may be sourced from out of state when at least 80 percent
 33.11 of the biomass is sourced from within a 100-mile radius of the facility or from Minnesota.
 33.12 ~~Raw materials~~ Biomass must be from agricultural or forestry sources. The facility must be
 33.13 located in Minnesota, must have begun production at a specific location after April 1, 2023,
 33.14 and before June 30, 2025, and must not begin before July 1, 2015. Eligible facilities include
 33.15 existing companies and facilities that are adding production capacity, or retrofitting existing
 33.16 capacity, as well as new companies and facilities. Eligible biomass thermal production
 33.17 facilities must produce at least 250 MMbtu of biomass thermal quarterly.

33.18 (b) No payments shall be made for biomass thermal production that occurs after June
 33.19 30, 2035, for those eligible biomass thermal producers under paragraph (a).

33.20 (c) An eligible producer of biomass thermal production shall not transfer the producer's
 33.21 eligibility for payments under this section to a biomass thermal production facility at a
 33.22 different location.

33.23 (d) A producer that ceases production for any reason is ineligible to receive payments
 33.24 under this section until the producer resumes production.

33.25 (e) Biofuel production for which payment has been received under section 41A.16, and
 33.26 renewable chemical production for which payment has been received under section 41A.17,
 33.27 are not eligible for payment under this section.

33.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

33.29 Sec. 74. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision
 33.30 to read:

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

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

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

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

34.8 **EFFECTIVE DATE.** This section is effective July 1, 2025.

34.9 Sec. 75. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision
34.10 to read:

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

34.13 **EFFECTIVE DATE.** This section is effective July 1, 2025.

34.14 Sec. 76. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision
34.15 to read:

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

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

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

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

34.26 **EFFECTIVE DATE.** This section is effective July 1, 2025.

34.27 Sec. 77. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision
34.28 to read:

34.29 **Subd. 12. Veterinary technology.** "Veterinary technology" means the science and
34.30 practice of providing professional support to veterinarians, including the direct supervision

35.1 of unlicensed veterinary employees. Veterinary technology does not include veterinary
 35.2 diagnosis, prognosis, surgery, or medication prescription.

35.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

35.4 Sec. 78. Minnesota Statutes 2022, section 156.07, is amended to read:

35.5 **156.07 LICENSE RENEWAL.**

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

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

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

35.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

35.21 Sec. 79. **[156.0721] INSTITUTIONAL LICENSURE.**

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

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

35.31 (2) has passed the Minnesota Veterinary Jurisprudence Examination;

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

36.5 (4) has paid the license application fee;

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

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

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

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

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

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

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

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

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

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

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

37.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

37.5 Sec. 80. **[156.076] DIRECT SUPERVISION; UNLICENSED VETERINARY**
37.6 **EMPLOYEES.**

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

37.10 (b) This section does not prohibit:

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

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

37.17 **EFFECTIVE DATE.** This section is effective July 1, 2025.

37.18 Sec. 81. **[156.077] LICENSED VETERINARY TECHNICIANS.**

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

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

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

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

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

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

38.4 (4) completed a criminal background check.

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

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

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

38.12 (3) affidavits from at least two licensed veterinarians and three adults who are not related
38.13 to the applicant that establish how long, when, and under what circumstances the references
38.14 have known the applicant and any other facts that may enable the board to determine the
38.15 applicant's qualifications; and

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

38.18 Subd. 4. **Temporary alternative qualifications.** (a) The board shall consider an
38.19 application for licensure submitted by a person before July 1, 2030, if the person provides
38.20 evidence satisfactory to the board that the person:

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

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

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

38.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.

39.1 Sec. 82. [156.078] NONRESIDENTS; LICENSED VETERINARY TECHNICIANS.

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

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

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

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

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

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

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

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

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

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

40.1 (10) proof of a completed criminal background check.

40.2 **EFFECTIVE DATE.** This section is effective July 1, 2025.

40.3 Sec. 83. Minnesota Statutes 2022, section 156.12, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

41.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

41.9 Sec. 84. Minnesota Statutes 2022, section 156.12, subdivision 4, is amended to read:

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

41.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

41.18 Sec. 85. **REPEALER.**

41.19 (a) Minnesota Statutes 2022, section 156.12, subdivision 6, is repealed.

41.20 (b) Minnesota Statutes 2022, sections 32D.24; 32D.25; 32D.26; 32D.27; and 32D.28,
41.21 are repealed.

41.22 (c) Minnesota Statutes 2022, sections 17.984; and 32D.03, subdivision 5, are repealed.

41.23 (d) Minnesota Statutes 2022, sections 18G.02, subdivisions 12, 17, 21, 25, and 29;
41.24 18H.02, subdivisions 10, 12a, 29, 31, 32a, and 34; and 18H.06, subdivision 1, are repealed.

41.25 (e) Minnesota Statutes 2022, sections 18F.02, subdivisions 2 and 9; and 18F.12, are
41.26 repealed."

41.27 Delete the title and insert:

41.28 "A bill for an act

41.29 relating to agriculture; adding nonnative Phragmites to noxious weeds provisions;
41.30 modifying restricted species provisions; prohibiting certain provisions in carbon
41.31 storage contracts; eliminating the prohibition on below cost sales of dairy;
41.32 modifying genetically engineered organisms provisions; modifying nursery and

42.1 plant protection provisions; modifying provisions regulating the dairy industry;
 42.2 regulating veterinary technicians, the practice of veterinary technology, and
 42.3 unlicensed veterinary employees; amending veterinary medicine licensing for
 42.4 University of Minnesota employees; modifying advanced biofuel production
 42.5 incentive and renewable chemical production incentive provisions; changing the
 42.6 appeal period to 20 days after service of an order from the Pesticide and Fertilizer
 42.7 Management Division or Plant Protection Division of the Department of
 42.8 Agriculture; defining minimum risk pesticide; allowing the use of minimum risk
 42.9 pesticide for growing medical cannabis; amending Minnesota Statutes 2022,
 42.10 sections 17.457; 17.710; 17.983, subdivision 1; 18.78, subdivision 2; 18B.01, by
 42.11 adding a subdivision; 18D.321, subdivision 1; 18F.01; 18F.02, by adding
 42.12 subdivisions; 18F.07; 18F.13; 18G.02, subdivisions 2, 6, 14, 15, 16, 20, 22, 24,
 42.13 30, by adding a subdivision; 18G.03, subdivision 1; 18G.04, subdivision 2; 18G.05;
 42.14 18G.06, subdivisions 2, 5; 18G.10, subdivisions 4, 5, 6; 18G.11, subdivision 1;
 42.15 18G.12, subdivisions 1, 2; 18H.02, subdivisions 2, 3, 8, 9, 12, 12b, 12c, 14, 16,
 42.16 18, 20, 24, 24a, 25, 26, 28, 32, 33, by adding a subdivision; 18H.03, subdivision
 42.17 6; 18H.04; 18H.05; 18H.06, subdivision 2; 18H.07, subdivision 4, by adding a
 42.18 subdivision; 18H.08, subdivision 1; 18H.09; 18H.10; 18H.12; 18H.13; 18H.14;
 42.19 18H.15; 18H.18; 18J.08, subdivision 1; 32D.02, subdivision 2; 32D.09, subdivision
 42.20 2; 34A.04, subdivision 1; 41A.16, subdivision 7; 41A.17, subdivision 6; 41A.18,
 42.21 subdivision 6; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2,
 42.22 4; proposing coding for new law in Minnesota Statutes, chapters 18B; 156;
 42.23 repealing Minnesota Statutes 2022, sections 17.984; 18F.02, subdivisions 2, 9;
 42.24 18F.12; 18G.02, subdivisions 12, 17, 21, 25, 29; 18H.02, subdivisions 10, 12a,
 42.25 29, 31, 32a, 34; 18H.06, subdivision 1; 32D.03, subdivision 5; 32D.24; 32D.25;
 42.26 32D.26; 32D.27; 32D.28; 156.12, subdivision 6."

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



42.28
 42.29 (Committee Chair)

42.30 March 20, 2023.....
 42.31 (Date of Committee recommendation)