1.1   **Senator Klein from the Committee on Commerce and Consumer Protection, to**
1.2   **which was referred**

1.3   **S.F. No. 5301:** A bill for an act relating to commerce; modifying fees assessed by the
1.4   Department of Commerce; amending Minnesota Statutes 2022, sections 45.0135, subdivision
1.5   7; 62Q.73, subdivision 3.

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

1.7   Delete everything after the enacting clause and insert:

1.8   **"ARTICLE 1**

1.9   **APPROPRIATIONS**

1.10   Section 1. Laws 2023, chapter 63, article 9, section 5, is amended to read:

1.11 Sec. 5. **OFFICE OF CANNABIS**			~~17,953,000~~
1.12 **MANAGEMENT**	$	21,614,000 $	<u>20,680,000</u>

1.13   The base for this appropriation is ~~$35,587,000~~

1.14   <u>$36,909,000</u> in fiscal year 2026 and

1.15   ~~$38,144,000~~ <u>$39,530,000</u> in fiscal year 2027.

1.16 $1,000,000 the second year is for cannabis

1.17   industry community renewal grants under

1.18   Minnesota Statutes, section 342.70. Of these

1.19   amounts, up to three percent may be used for

1.20   administrative expenses. The base for this

1.21   appropriation is $15,000,000 in fiscal year

1.22   2026 and each fiscal year thereafter.

1.23 $1,000,000 each year is for transfer to the

1.24   CanGrow revolving loan account established

1.25   under Minnesota Statutes, section 342.73,

1.26   subdivision 4. Of these amounts, up to three

1.27   percent may be used for administrative

1.28   expenses.

1.29   <u>$1,107,000 the second year is for temporary</u>

1.30   <u>regulation under the Health Enforcement</u>

1.31   <u>Consolidation Act of 1993 of edible products</u>

1.32   <u>extracted from hemp. This is a onetime</u>

1.33   <u>appropriation.</u>

2.1 $771,000 the second year is for testing

2.2 products regulated under Minnesota Statutes,

2.3 section 151.72, and chapter 342. The base for

2.4 this appropriation is $690,000 in fiscal year

2.5 2026 and each year thereafter.

2.6 $849,000 the second year is for the Office of

2.7 Cannabis Management to operate a state

2.8 reference laboratory. The base for this

2.9 appropriation is $632,000 in fiscal year 2026

2.10 and $696,000 in fiscal year 2027.

2.11 Sec. 2. Laws 2023, chapter 63, article 9, section 10, is amended to read:

2.12 Sec. 10. **HEALTH**

2.13			~~20,252,000~~
2.14 Subdivision 1. **Total Appropriation**	$	3,300,000 $	**23,025,000**

2.15 The base for this appropriation is ~~$19,064,000~~

2.16 $23,242,000 in fiscal year 2026 and ~~each fiscal~~

2.17 ~~year thereafter~~ $23,178,000 in fiscal year

2.18 2027.

2.19 The amounts that may be spent for each

2.20 purpose are specified in the following

2.21 subdivisions.

2.22 Subd. 2. **Youth Prevention and Education**		~~5,000,000~~
2.23 **Program**	-0-	4,363,000

2.24 For administration and grants under Minnesota

2.25 Statutes, section 144.197, subdivision 1. Of

2.26 the amount appropriated, $2,863,000 is for

2.27 program operations and administration and

2.28 $1,500,000 is for grants. The base for this

2.29 appropriation is $4,534,000 in fiscal year 2026

2.30 and $4,470,000 in fiscal year 2027.

2.31 Subd. 3. **Prevention and Education** ~~**Grants**~~ **for**		~~2,000,000~~
2.32 **Pregnant or Breastfeeding Individuals**	-0-	1,788,000

2.33 For ~~grants under~~ a coordinated prevention and

2.34 education program for pregnant and

3.1 breastfeeding individuals under Minnesota

3.2 Statutes, section 144.197, subdivision 2. The

3.3 base for this appropriation is $1,834,000 in

3.4 fiscal year 2026 and each year thereafter.

3.5 Subd. 4. **Local and Tribal Health Departments**	-0-	10,000,000

3.6 For administration and grants under Minnesota

3.7 Statutes, section 144.197, subdivision 4. Of

3.8 the amount appropriated, $1,094,000 is for

3.9 administration and $8,906,000 is for grants.

3.10 Subd. 5. **Cannabis Data Collection and Biennial** 3.11 **Reports**	493,000	493,000

3.12 For reports under Minnesota Statutes, section

3.13 144.196.

3.14 Subd. 6. **Administration for Expungement** 3.15 **Orders**	71,000	71,000

3.16 For administration related to orders issued by

3.17 the Cannabis Expungement Board. The base

3.18 for this appropriation is $71,000 in fiscal year

3.19 2026, $71,000 in fiscal year 2027, $71,000 in

3.20 fiscal year 2028, $71,000 in fiscal year 2029,

3.21 and $0 in fiscal year 2030.

3.22 Subd. 7. **Grants to the Minnesota Poison Control** 3.23 **System**	910,000	810,000

3.24 For administration and grants under Minnesota

3.25 Statutes, section 145.93. Of the amount

3.26 appropriated in fiscal year 2025, $15,000 is

3.27 for administration and $795,000 is for grants.

3.28 Subd. 8. **Temporary Regulation of Edible** 3.29 **Products Extracted from Hemp**	1,107,000	~~1,107,000~~ -0-

3.30 For temporary regulation under the health

3.31 enforcement consolidation act of edible

3.32 products extracted from hemp. The

3.33 commissioner may transfer encumbrances and

3.34 unobligated amounts from the fiscal year 2024

4.1 to the Office of Cannabis Management for this

4.2 purpose. This is a onetime appropriation.

4.3 Subd. 9. **Testing.**	719,000	~~771,000~~ -0-

4.4 For testing of edible cannabinoid products.

4.5 ~~The base for this appropriation is $690,000 in~~

4.6 ~~fiscal year 2026 and each fiscal year thereafter.~~

4.7 The commissioner may transfer encumbrances

4.8 and unobligated amounts from fiscal year 2024

4.9 to the Office of Cannabis Management for this

4.10 purpose.

4.11 Subd. 10. **Substance Use Treatment, Recovery,**		
4.12 **and Prevention**	-0-	5,500,000

4.13 For the purposes outlined in Minnesota

4.14 Statutes, section 342.72. The base for this

4.15 appropriation is $5,500,000 in fiscal year 2026

4.16 and each fiscal year thereafter.

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

4.18 Sec. 3. Laws 2023, chapter 63, article 9, section 15, subdivision 4, is amended to read:

4.19 Subd. 4. **Office of Traffic and Safety**	11,485,000	6,117,000

4.20 (a) The base for this appropriation is

4.21 $5,000,000 in fiscal year 2026 and each fiscal

4.22 year thereafter.

4.23 (b) $10,000,000 the first year and $5,000,000

4.24 the second year are for the drug evaluation

4.25 and classification program for drug recognition

4.26 evaluator training; additional phlebotomists;

4.27 drug recognition training for peace officers,

4.28 as defined in Minnesota Statutes, section

4.29 626.84, subdivision 1, paragraph (c); and

4.30 required continuing education training for drug

4.31 recognition experts, program administration,

4.32 grants to local law enforcement divisions, and

4.33 making grants to eligible employers for drug

5.1 evaluation and classification training costs of

5.2 their staff. The commissioner must make

5.3 reasonable efforts to reflect the geographic

5.4 diversity of the state in making expenditures

5.5 under this appropriation. This appropriation

5.6 is available until June 30, 2027.

5.7 (c) $1,485,000 the first year and $1,117,000

5.8 the second year are for a roadside testing pilot

5.9 project. These are onetime appropriations.

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

5.11 Sec. 4. Laws 2023, chapter 63, article 9, section 20, is amended to read:

5.12 Sec. 20. **TRANSFERS.**

5.13 (a) $1,000,000 in fiscal year 2024 and $1,000,000 in fiscal year 2025 are transferred

5.14 from the general fund to the dual training account in the special revenue fund under

5.15 Minnesota Statutes, section 136A.246, subdivision 10, for grants to employers in the legal

5.16 cannabis industry. The base for this transfer is $1,000,000 in fiscal year 2026 and each fiscal

5.17 year thereafter. The commissioner may use up to six percent of the amount transferred for

5.18 administrative costs. The commissioner shall give priority to applications from employers

5.19 who are, or who are training employees who are, eligible to be social equity applicants

5.20 under Minnesota Statutes, section 342.17. After June 30, 2025, any unencumbered balance

5.21 from this transfer may be used for grants to any eligible employer under Minnesota Statutes,

5.22 section 136A.246.

5.23 (b) $5,500,000 in fiscal year 2024 and $5,500,000 in fiscal year 2025 are transferred

5.24 from the general fund to the substance use treatment, recovery, and prevention grant account

5.25 established under Minnesota Statutes, section 342.72. The base for this transfer is $5,500,000

5.26 in fiscal year 2026 and each fiscal year thereafter.

5.27 Sec. 5. **DEPARTMENT OF COMMERCE.**

5.28 The general fund base for the commissioner of commerce is increased by $47,000 in

5.29 fiscal year 2026 and each year thereafter for the commissioner of commerce to administer

5.30 and enforce Minnesota Statutes, section 325E.21, subdivision 2c.

6.1 Sec. 6. **ATTORNEY GENERAL.**

6.2 The general fund base for the attorney general is increased by $941,000 in fiscal year

6.3 2026 and $701,000 in fiscal year 2027 to enforce the Minnesota Consumer Data Privacy

6.4 Act under Minnesota Statutes, chapter 325O.

6.5 **ARTICLE 2**

6.6 **MINNESOTA CONSUMER DATA PRIVACY ACT**

6.7 Section 1. **[13.6505] ATTORNEY GENERAL DATA CODED ELSEWHERE.**

6.8 Subdivision 1. **Scope.** The sections referred to in this section are codified outside this

6.9 chapter. Those sections classify attorney general data as other than public, place restrictions

6.10 on access to government data, or involve data sharing.

6.11 Subd. 2. **Data privacy and protection assessments.** A data privacy and protection

6.12 assessment collected or maintained by the attorney general is classified under section

6.13 325O.08.

6.14 Sec. 2. **[325O.01] CITATION.**

6.15 This chapter may be cited as the "Minnesota Consumer Data Privacy Act."

6.16 Sec. 3. **[325O.02] DEFINITIONS.**

6.17 (a) For purposes of this chapter, the following terms have the meanings given.

6.18 (b) "Affiliate" means a legal entity that controls, is controlled by, or is under common

6.19 control with another legal entity. For purposes of this paragraph, "control" or "controlled"

6.20 means: ownership of or the power to vote more than 50 percent of the outstanding shares

6.21 of any class of voting security of a company; control in any manner over the election of a

6.22 majority of the directors or of individuals exercising similar functions; or the power to

6.23 exercise a controlling influence over the management of a company.

6.24 (c) "Authenticate" means to use reasonable means to determine that a request to exercise

6.25 any of the rights under section 325O.05, subdivision 1, paragraphs (b) to (h), is being made

6.26 by or rightfully on behalf of the consumer who is entitled to exercise the rights with respect

6.27 to the personal data at issue.

6.28 (d) "Biometric data" means data generated by automatic measurements of an individual's

6.29 biological characteristics, including a fingerprint, a voiceprint, eye retinas, irises, or other

7.1 unique biological patterns or characteristics that are used to identify a specific individual.

7.2 Biometric data does not include:

7.3   (1) a digital or physical photograph;

7.4   (2) an audio or video recording; or

7.5   (3) any data generated from a digital or physical photograph, or an audio or video

7.6 recording, unless the data is generated to identify a specific individual.

7.7   (e) "Child" has the meaning given in United States Code, title 15, section 6501.

7.8   (f) "Consent" means any freely given, specific, informed, and unambiguous indication

7.9 of the consumer's wishes by which the consumer signifies agreement to the processing of

7.10 personal data relating to the consumer. Acceptance of a general or broad terms of use or

7.11 similar document that contains descriptions of personal data processing along with other,

7.12 unrelated information does not constitute consent. Hovering over, muting, pausing, or closing

7.13 a given piece of content does not constitute consent. A consent is not valid when the

7.14 consumer's indication has been obtained by a dark pattern. A consumer may revoke consent

7.15 previously given, consistent with this chapter.

7.16   (g) "Consumer" means a natural person who is a Minnesota resident acting only in an

7.17 individual or household context. Consumer does not include a natural person acting in a

7.18 commercial or employment context.

7.19   (h) "Controller" means the natural or legal person which, alone or jointly with others,

7.20 determines the purposes and means of the processing of personal data.

7.21   (i) "Decisions that produce legal or similarly significant effects concerning the consumer"

7.22 means decisions made by the controller that result in the provision or denial by the controller

7.23 of financial or lending services, housing, insurance, education enrollment or opportunity,

7.24 criminal justice, employment opportunities, health care services, or access to essential goods

7.25 or services.

7.26   (j) "Dark pattern" means a user interface designed or manipulated with the substantial

7.27 effect of subverting or impairing user autonomy, decision making, or choice.

7.28   (k) "Deidentified data" means data that cannot reasonably be used to infer information

7.29 about or otherwise be linked to an identified or identifiable natural person or a device linked

7.30 to an identified or identifiable natural person, provided that the controller that possesses the

7.31 data:

8.1   (1) takes reasonable measures to ensure that the data cannot be associated with a natural

8.2   person;

8.3   (2) publicly commits to process the data only in a deidentified fashion and not attempt

8.4   to reidentify the data; and

8.5   (3) contractually obligates any recipients of the information to comply with all provisions

8.6   of this paragraph.

8.7   (l) "Delete" means to remove or destroy information so that it is not maintained in human-

8.8   or machine-readable form and cannot be retrieved or utilized in the ordinary course of

8.9   business.

8.10   (m) "Genetic information" has the meaning given in section 13.386, subdivision 1.

8.11   (n) "Identified or identifiable natural person" means a person who can be readily

8.12   identified, directly or indirectly.

8.13   (o) "Known child" means a person under circumstances where a controller has actual

8.14   knowledge of, or willfully disregards, that the person is under 13 years of age.

8.15   (p) "Personal data" means any information that is linked or reasonably linkable to an

8.16   identified or identifiable natural person. Personal data does not include deidentified data or

8.17   publicly available information. For purposes of this paragraph, "publicly available

8.18   information" means information that (1) is lawfully made available from federal, state, or

8.19   local government records or widely distributed media, or (2) a controller has a reasonable

8.20   basis to believe has lawfully been made available to the general public.

8.21   (q) "Process" or "processing" means any operation or set of operations that are performed

8.22   on personal data or on sets of personal data, whether or not by automated means, including

8.23   but not limited to the collection, use, storage, disclosure, analysis, deletion, or modification

8.24   of personal data.

8.25   (r) "Processor" means a natural or legal person who processes personal data on behalf

8.26   of a controller.

8.27   (s) "Profiling" means any form of automated processing of personal data to evaluate,

8.28   analyze, or predict personal aspects related to an identified or identifiable natural person's

8.29   economic situation, health, personal preferences, interests, reliability, behavior, location,

8.30   or movements.

8.31   (t) "Pseudonymous data" means personal data that cannot be attributed to a specific

8.32   natural person without the use of additional information, provided that the additional

9.1   information is kept separately and is subject to appropriate technical and organizational

9.2   measures to ensure that the personal data are not attributed to an identified or identifiable

9.3   natural person.

9.4   (u) "Sale," "sell," or "sold" means the exchange of personal data for monetary or other

9.5   valuable consideration by the controller to a third party. Sale does not include the following:

9.6   (1) the disclosure of personal data to a processor who processes the personal data on

9.7   behalf of the controller;

9.8   (2) the disclosure of personal data to a third party for purposes of providing a product

9.9   or service requested by the consumer;

9.10   (3) the disclosure or transfer of personal data to an affiliate of the controller;

9.11   (4) the disclosure of information that the consumer intentionally made available to the

9.12   general public via a channel of mass media and did not restrict to a specific audience;

9.13   (5) the disclosure or transfer of personal data to a third party as an asset that is part of a

9.14   completed or proposed merger, acquisition, bankruptcy, or other transaction in which the

9.15   third party assumes control of all or part of the controller's assets; or

9.16   (6) the exchange of personal data between the producer of a good or service and

9.17   authorized agents of the producer who sell and service the goods and services, to enable

9.18   the cooperative provisioning of goods and services by both the producer and the producer's

9.19   agents.

9.20   (v) Sensitive data is a form of personal data. "Sensitive data" means:

9.21   (1) personal data revealing racial or ethnic origin, religious beliefs, mental or physical

9.22   health condition or diagnosis, sexual orientation, or citizenship or immigration status;

9.23   (2) the processing of biometric data or genetic information for the purpose of uniquely

9.24   identifying an individual;

9.25   (3) the personal data of a known child; or

9.26   (4) specific geolocation data.

9.27   (w) "Specific geolocation data" means information derived from technology, including

9.28   but not limited to global positioning system level latitude and longitude coordinates or other

9.29   mechanisms, that directly identifies the geographic coordinates of a consumer or a device

9.30   linked to a consumer with an accuracy of more than three decimal degrees of latitude and

9.31   longitude or the equivalent in an alternative geographic coordinate system, or a street address

9.32   derived from the coordinates. Specific geolocation data does not include the content of

10.1 communications, the contents of databases containing street address information which are

10.2 accessible to the public as authorized by law, or any data generated by or connected to

10.3 advanced utility metering infrastructure systems or other equipment for use by a public

10.4 utility.

10.5 (x) "Targeted advertising" means displaying advertisements to a consumer where the

10.6 advertisement is selected based on personal data obtained or inferred from the consumer's

10.7 activities over time and across nonaffiliated websites or online applications to predict the

10.8 consumer's preferences or interests. Targeted advertising does not include:

10.9 (1) advertising based on activities within a controller's own websites or online

10.10 applications;

10.11 (2) advertising based on the context of a consumer's current search query or visit to a

10.12 website or online application;

10.13 (3) advertising to a consumer in response to the consumer's request for information or

10.14 feedback; or

10.15 (4) processing personal data solely for measuring or reporting advertising performance,

10.16 reach, or frequency.

10.17 (y) "Third party" means a natural or legal person, public authority, agency, or body other

10.18 than the consumer, controller, processor, or an affiliate of the processor or the controller.

10.19 (z) "Trade secret" has the meaning given in section 325C.01, subdivision 5.

10.20 Sec. 4. **[325O.03] SCOPE; EXCLUSIONS.**

10.21 Subdivision 1. **Scope.** (a) This chapter applies to legal entities that conduct business in

10.22 Minnesota or produce products or services that are targeted to residents of Minnesota, and

10.23 that satisfy one or more of the following thresholds:

10.24 (1) during a calendar year, controls or processes personal data of 100,000 consumers or

10.25 more, excluding personal data controlled or processed solely for the purpose of completing

10.26 a payment transaction; or

10.27 (2) derives over 25 percent of gross revenue from the sale of personal data and processes

10.28 or controls personal data of 25,000 consumers or more.

10.29 (b) A controller or processor acting as a technology provider under section 13.32 shall

10.30 comply with this chapter and section 13.32, except that when the provisions of section 13.32

10.31 conflict with this chapter, section 13.32 prevails.

11.1   Subd. 2. **Exclusions.** (a) This chapter does not apply to the following entities, activities,

11.2   or types of information:

11.3   (1) a government entity, as defined by section 13.02, subdivision 7a;

11.4   (2) a federally recognized Indian tribe;

11.5   (3) information that meets the definition of:

11.6   (i) protected health information, as defined by and for purposes of the Health Insurance

11.7   Portability and Accountability Act of 1996, Public Law 104-191, and related regulations;

11.8   (ii) health records, as defined in section 144.291, subdivision 2;

11.9   (iii) patient identifying information for purposes of Code of Federal Regulations, title

11.10   42, part 2, established pursuant to United States Code, title 42, section 290dd-2;

11.11   (iv) identifiable private information for purposes of the federal policy for the protection

11.12   of human subjects, Code of Federal Regulations, title 45, part 46; identifiable private

11.13   information that is otherwise information collected as part of human subjects research

11.14   pursuant to the good clinical practice guidelines issued by the International Council for

11.15   Harmonisation; the protection of human subjects under Code of Federal Regulations, title

11.16   21, parts 50 and 56; or personal data used or shared in research conducted in accordance

11.17   with one or more of the requirements set forth in this paragraph;

11.18   (v) information and documents created for purposes of the federal Health Care Quality

11.19   Improvement Act of 1986, Public Law 99-660, and related regulations; or

11.20   (vi) patient safety work product for purposes of Code of Federal Regulations, title 42,

11.21   part 3, established pursuant to United States Code, title 42, sections 299b-21 to 299b-26;

11.22   (4) information that is derived from any of the health care-related information listed in

11.23   clause (3), but that has been deidentified in accordance with the requirements for

11.24   deidentification set forth in Code of Federal Regulations, title 45, part 164;

11.25   (5) information originating from, and intermingled to be indistinguishable with, any of

11.26   the health care-related information listed in clause (3) that is maintained by:

11.27   (i) a covered entity or business associate, as defined by the Health Insurance Portability

11.28   and Accountability Act of 1996, Public Law 104-191, and related regulations;

11.29   (ii) a health care provider, as defined in section 144.291, subdivision 2; or

12.1 (iii) a program or a qualified service organization, as defined by Code of Federal

12.2 Regulations, title 42, part 2, established pursuant to United States Code, title 42, section

12.3 290dd-2;

12.4 (6) information that is:

12.5 (i) maintained by an entity that meets the definition of health care provider under Code

12.6 of Federal Regulations, title 45, section 160.103, to the extent that the entity maintains the

12.7 information in the manner required of covered entities with respect to protected health

12.8 information for purposes of the Health Insurance Portability and Accountability Act of

12.9 1996, Public Law 104-191, and related regulations;

12.10 (ii) included under a limited data set, as described under Code of Federal Regulations,

12.11 title 45, part 164.514(e), to the extent that the information is used, disclosed, and maintained

12.12 in the manner specified by that part;

12.13 (iii) maintained by, or maintained to comply with the rules or orders of, a self-regulatory

12.14 organization as defined by United States Code, title 15, section 78c(a)(26); or

12.15 (iv) originated from, or intermingled with, information described in clause (9) and that

12.16 a licensed residential mortgage originator, as defined under section 58.02, subdivision 19,

12.17 or residential mortgage servicer, as defined under section 58.02, subdivision 20, collects,

12.18 processes, uses, or maintains in the same manner as required under the laws and regulations

12.19 specified in clause (9);

12.20 (7) information used only for public health activities and purposes, as described in Code

12.21 of Federal Regulations, title 45, part 164.512;

12.22 (8) an activity involving the collection, maintenance, disclosure, sale, communication,

12.23 or use of any personal data bearing on a consumer's credit worthiness, credit standing, credit

12.24 capacity, character, general reputation, personal characteristics, or mode of living by a

12.25 consumer reporting agency, as defined in United States Code, title 15, section 1681a(f), by

12.26 a furnisher of information, as set forth in United States Code, title 15, section 1681s-2, who

12.27 provides information for use in a consumer report, as defined in United States Code, title

12.28 15, section 1681a(d), and by a user of a consumer report, as set forth in United States Code,

12.29 title 15, section 1681b, except that information is only excluded under this paragraph to the

12.30 extent that the activity involving the collection, maintenance, disclosure, sale, communication,

12.31 or use of the information by the agency, furnisher, or user is subject to regulation under the

12.32 federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 to 1681x, and

12.33 the information is not collected, maintained, used, communicated, disclosed, or sold except

12.34 as authorized by the Fair Credit Reporting Act;

13.1 (9) personal data collected, processed, sold, or disclosed pursuant to the federal

13.2 Gramm-Leach-Bliley Act, Public Law 106-102, and implementing regulations, if the

13.3 collection, processing, sale, or disclosure is in compliance with that law;

13.4 (10) personal data collected, processed, sold, or disclosed pursuant to the federal Driver's

13.5 Privacy Protection Act of 1994, United States Code, title 18, sections 2721 to 2725, if the

13.6 collection, processing, sale, or disclosure is in compliance with that law;

13.7 (11) personal data regulated by the federal Family Educations Rights and Privacy Act,

13.8 United States Code, title 20, section 1232g, and implementing regulations;

13.9 (12) personal data collected, processed, sold, or disclosed pursuant to the federal Farm

13.10 Credit Act of 1971, as amended, United States Code, title 12, sections 2001 to 2279cc, and

13.11 implementing regulations, Code of Federal Regulations, title 12, part 600, if the collection,

13.12 processing, sale, or disclosure is in compliance with that law;

13.13 (13) data collected or maintained:

13.14 (i) in the course of an individual acting as a job applicant to or an employee, owner,

13.15 director, officer, medical staff member, or contractor of a business if the data is collected

13.16 and used solely within the context of the role;

13.17 (ii) as the emergency contact information of an individual under item (i) if used solely

13.18 for emergency contact purposes; or

13.19 (iii) that is necessary for the business to retain to administer benefits for another individual

13.20 relating to the individual under item (i) if used solely for the purposes of administering those

13.21 benefits;

13.22 (14) personal data collected, processed, sold, or disclosed pursuant to the Minnesota

13.23 Insurance Fair Information Reporting Act in sections 72A.49 to 72A.505;

13.24 (15) data collected, processed, sold, or disclosed as part of a payment-only credit, check,

13.25 or cash transaction where no data about consumers, as defined in section 325O.02, are

13.26 retained;

13.27 (16) a state or federally chartered bank or credit union, or an affiliate or subsidiary that

13.28 is principally engaged in financial activities, as described in United States Code, title 12,

13.29 section 1843(k);

13.30 (17) information that originates from, or is intermingled so as to be indistinguishable

13.31 from, information described in clause (8) and that a person licensed under chapter 56 collects,

14.1   processes, uses, or maintains in the same manner as is required under the laws and regulations

14.2   specified in clause (8);

14.3   (18) an insurance company, as defined in section 60A.02, subdivision 4, an insurance

14.4   producer, as defined in section 60K.31, subdivision 6, a third-party administrator of

14.5   self-insurance, or an affiliate or subsidiary of any entity identified in the clause that is

14.6   principally engaged in financial activities, as described in United States Code, title 12,

14.7   section 1843(k), except that this clause does not apply to a person that, alone or in

14.8   combination with another person, establishes and maintains a self-insurance program that

14.9   does not otherwise engage in the business of entering into policies of insurance;

14.10   (19) a small business, as defined by the United States Small Business Administration

14.11   under Code of Federal Regulations, title 13, part 121, except that a small business identified

14.12   in this clause is subject to section 325O.075;

14.13   (20) a nonprofit organization that is established to detect and prevent fraudulent acts in

14.14   connection with insurance; and

14.15   (21) an air carrier subject to the federal Airline Deregulation Act, Public Law 95-504,

14.16   only to the extent that an air carrier collects personal data related to prices, routes, or services

14.17   and only to the extent that the provisions of the Airline Deregulation Act preempt the

14.18   requirements of this chapter.

14.19   (b) Controllers that are in compliance with the Children's Online Privacy Protection Act,

14.20   United States Code, title 15, sections 6501 to 6506, and implementing regulations, shall be

14.21   deemed compliant with any obligation to obtain parental consent under this chapter.

14.22   Sec. 5. **[325O.04] RESPONSIBILITY ACCORDING TO ROLE.**

14.23   (a) Controllers and processors are responsible for meeting the respective obligations

14.24   established under this chapter.

14.25   (b) Processors are responsible under this chapter for adhering to the instructions of the

14.26   controller and assisting the controller to meet the controller's obligations under this chapter.

14.27   Assistance under this paragraph shall include the following:

14.28   (1) taking into account the nature of the processing, the processor shall assist the controller

14.29   by appropriate technical and organizational measures, insofar as this is possible, for the

14.30   fulfillment of the controller's obligation to respond to consumer requests to exercise their

14.31   rights pursuant to section 325O.05; and

15.1 (2) taking into account the nature of processing and the information available to the

15.2 processor, the processor shall assist the controller in meeting the controller's obligations in

15.3 relation to the security of processing the personal data and in relation to the notification of

15.4 a breach of the security of the system pursuant to section 325E.61, and shall provide

15.5 information to the controller necessary to enable the controller to conduct and document

15.6 any data privacy and protection assessments required by section 325O.08.

15.7 (c) A contract between a controller and a processor shall govern the processor's data

15.8 processing procedures with respect to processing performed on behalf of the controller. The

15.9 contract shall be binding and clearly set forth instructions for processing data, the nature

15.10 and purpose of processing, the type of data subject to processing, the duration of processing,

15.11 and the rights and obligations of both parties. The contract shall also require that the

15.12 processor:

15.13 (1) ensure that each person processing the personal data is subject to a duty of

15.14 confidentiality with respect to the data; and

15.15 (2) engage a subcontractor only (i) after providing the controller with an opportunity to

15.16 object, and (ii) pursuant to a written contract in accordance with paragraph (e) that requires

15.17 the subcontractor to meet the obligations of the processor with respect to the personal data.

15.18 (d) Taking into account the context of processing, the controller and the processor shall

15.19 implement appropriate technical and organizational measures to ensure a level of security

15.20 appropriate to the risk and establish a clear allocation of the responsibilities between the

15.21 controller and the processor to implement the technical and organizational measures.

15.22 (e) Processing by a processor shall be governed by a contract between the controller and

15.23 the processor that is binding on both parties and that sets out the processing instructions to

15.24 which the processor is bound, including the nature and purpose of the processing, the type

15.25 of personal data subject to the processing, the duration of the processing, and the obligations

15.26 and rights of both parties. The contract shall include the requirements imposed by this

15.27 paragraph, paragraphs (c) and (d), as well as the following requirements:

15.28 (1) at the choice of the controller, the processor shall delete or return all personal data

15.29 to the controller as requested at the end of the provision of services, unless retention of the

15.30 personal data is required by law;

15.31 (2) upon a reasonable request from the controller, the processor shall make available to

15.32 the controller all information necessary to demonstrate compliance with the obligations in

15.33 this chapter; and

16.1   (3) the processor shall allow for, and contribute to, reasonable assessments and inspections

16.2   by the controller or the controller's designated assessor. Alternatively, the processor may

16.3   arrange for a qualified and independent assessor to conduct, at least annually and at the

16.4   processor's expense, an assessment of the processor's policies and technical and organizational

16.5   measures in support of the obligations under this chapter. The assessor must use an

16.6   appropriate and accepted control standard or framework and assessment procedure for

16.7   assessments as applicable, and shall provide a report of an assessment to the controller upon

16.8   request.

16.9   (f) In no event shall any contract relieve a controller or a processor from the liabilities

16.10   imposed on a controller or processor by virtue of controller's or processor's roles in the

16.11   processing relationship under this chapter.

16.12   (g) Determining whether a person is acting as a controller or processor with respect to

16.13   a specific processing of data is a fact-based determination that depends upon the context in

16.14   which personal data are to be processed. A person that is not limited in the person's processing

16.15   of personal data pursuant to a controller's instructions, or that fails to adhere to a controller's

16.16   instructions, is a controller and not a processor with respect to a specific processing of data.

16.17   A processor that continues to adhere to a controller's instructions with respect to a specific

16.18   processing of personal data remains a processor. If a processor begins, alone or jointly with

16.19   others, determining the purposes and means of the processing of personal data, the processor

16.20   is a controller with respect to the processing.

16.21   Sec. 6. **[325O.05] CONSUMER PERSONAL DATA RIGHTS.**

16.22   Subdivision 1. **Consumer rights provided.** (a) Except as provided in this chapter, a

16.23   controller must comply with a request to exercise the consumer rights provided in this

16.24   subdivision.

16.25   (b) A consumer has the right to confirm whether or not a controller is processing personal

16.26   data concerning the consumer and access the categories of personal data the controller is

16.27   processing.

16.28   (c) A consumer has the right to correct inaccurate personal data concerning the consumer,

16.29   taking into account the nature of the personal data and the purposes of the processing of the

16.30   personal data.

16.31   (d) A consumer has the right to delete personal data concerning the consumer.

16.32   (e) A consumer has the right to obtain personal data concerning the consumer, which

16.33   the consumer previously provided to the controller, in a portable and, to the extent technically

17.1   feasible, readily usable format that allows the consumer to transmit the data to another

17.2   controller without hindrance, where the processing is carried out by automated means.

17.3   (f) A consumer has the right to opt out of the processing of personal data concerning

17.4   the consumer for purposes of targeted advertising, the sale of personal data, or profiling in

17.5   furtherance of automated decisions that produce legal effects concerning a consumer or

17.6   similarly significant effects concerning a consumer.

17.7   (g) If a consumer's personal data is profiled in furtherance of decisions that produce

17.8   legal effects concerning a consumer or similarly significant effects concerning a consumer,

17.9   the consumer has the right to question the result of the profiling, to be informed of the reason

17.10   that the profiling resulted in the decision, and, if feasible, to be informed of what actions

17.11   the consumer might have taken to secure a different decision and the actions that the

17.12   consumer might take to secure a different decision in the future. The consumer has the right

17.13   to review the consumer's personal data used in the profiling. If the decision is determined

17.14   to have been based upon inaccurate personal data, taking into account the nature of the

17.15   personal data and the purposes of the processing of the personal data, the consumer has the

17.16   right to have the data corrected and the profiling decision reevaluated based upon the

17.17   corrected data.

17.18   (h) A consumer has a right to obtain a list of the specific third parties to which the

17.19   controller has disclosed the consumer's personal data. If the controller does not maintain

17.20   the information in a format specific to the consumer, a list of specific third parties to whom

17.21   the controller has disclosed any consumers' personal data may be provided instead.

17.22   Subd. 2. **Exercising consumer rights.** (a) A consumer may exercise the rights set forth

17.23   in this section by submitting a request, at any time, to a controller specifying which rights

17.24   the consumer wishes to exercise.

17.25   (b) In the case of processing personal data concerning a known child, the parent or legal

17.26   guardian of the known child may exercise the rights of this chapter on the child's behalf.

17.27   (c) In the case of processing personal data concerning a consumer legally subject to

17.28   guardianship or conservatorship under sections 524.5-101 to 524.5-502, the guardian or the

17.29   conservator of the consumer may exercise the rights of this chapter on the consumer's behalf.

17.30   (d) A consumer may designate another person as the consumer's authorized agent to

17.31   exercise the consumer's right to opt out of the processing of the consumer's personal data

17.32   for purposes of targeted advertising and sale under subdivision 1, paragraph (f), on the

17.33   consumer's behalf. A consumer may designate an authorized agent by way of, among other

17.34   things, a technology, including but not limited to an Internet link or a browser setting,

18.1 browser extension, or global device setting, indicating the consumer's intent to opt out of

18.2 the processing. A controller shall comply with an opt-out request received from an authorized

18.3 agent if the controller is able to verify, with commercially reasonable effort, the identity of

18.4 the consumer and the authorized agent's authority to act on the consumer's behalf.

18.5   Subd. 3. **Universal opt-out mechanisms.** (a) A controller must allow a consumer to opt

18.6 out of any processing of the consumer's personal data for the purposes of targeted advertising,

18.7 or any sale of the consumer's personal data through an opt-out preference signal sent, with

18.8 the consumer's consent, by a platform, technology, or mechanism to the controller indicating

18.9 the consumer's intent to opt out of any of the processing or sale. The platform, technology,

18.10 or mechanism must:

18.11   (1) not unfairly disadvantage another controller;

18.12   (2) not make use of a default setting, but require the consumer to make an affirmative,

18.13 freely given, and unambiguous choice to opt out of any of the processing of the consumer's

18.14 personal data;

18.15   (3) be consumer-friendly and easy to use by the average consumer;

18.16   (4) be as consistent as possible with any other similar platform, technology, or mechanism

18.17 required by any federal or state law or regulation; and

18.18   (5) enable the controller to accurately determine whether the consumer is a Minnesota

18.19 resident and whether the consumer has made a legitimate request to opt out of any sale of

18.20 the consumer's personal data or targeted advertising. For purposes of this paragraph, the

18.21 use of an Internet protocol address to estimate the consumer's location is sufficient to

18.22 determine the consumer's residence.

18.23   (b) If a consumer's opt-out request is exercised through the platform, technology, or

18.24 mechanism required under paragraph (a), and the request conflicts with the consumer's

18.25 existing controller-specific privacy setting or voluntary participation in a controller's bona

18.26 fide loyalty, rewards, premium features, discounts, or club card program, the controller

18.27 must comply with the consumer's opt-out preference signal but may also notify the consumer

18.28 of the conflict and provide the consumer a choice to confirm the controller-specific privacy

18.29 setting or participation in the controller's program.

18.30   (c) The platform, technology, or mechanism required under paragraph (a) is subject to

18.31 the requirements of subdivision 4.

18.32   (d) A controller that recognizes opt-out preference signals that have been approved by

18.33 other state laws or regulations is in compliance with this subdivision.

19.1   Subd. 4. **Controller response to consumer requests.** (a) Except as provided in this

19.2   chapter, a controller must comply with a request to exercise the rights pursuant to subdivision

19.3   1.

19.4   (b) A controller must provide one or more secure and reliable means for consumers to

19.5   submit a request to exercise the consumer rights under this section. The means made available

19.6   must take into account the ways in which consumers interact with the controller and the

19.7   need for secure and reliable communication of the requests.

19.8   (c) A controller may not require a consumer to create a new account in order to exercise

19.9   a right, but a controller may require a consumer to use an existing account to exercise the

19.10   consumer's rights under this section.

19.11   (d) A controller must comply with a request to exercise the right in subdivision 1,

19.12   paragraph (f), as soon as feasibly possible, but no later than 45 days of receipt of the request.

19.13   (e) A controller must inform a consumer of any action taken on a request under

19.14   subdivision 1 without undue delay and in any event within 45 days of receipt of the request.

19.15   That period may be extended once by 45 additional days where reasonably necessary, taking

19.16   into account the complexity and number of the requests. The controller must inform the

19.17   consumer of any extension within 45 days of receipt of the request, together with the reasons

19.18   for the delay.

19.19   (f) If a controller does not take action on a consumer's request, the controller must inform

19.20   the consumer without undue delay and at the latest within 45 days of receipt of the request

19.21   of the reasons for not taking action and instructions for how to appeal the decision with the

19.22   controller as described in subdivision 3.

19.23   (g) Information provided under this section must be provided by the controller free of

19.24   charge, up to twice annually to the consumer. Where requests from a consumer are manifestly

19.25   unfounded or excessive, in particular because of the repetitive character of the requests, the

19.26   controller may either charge a reasonable fee to cover the administrative costs of complying

19.27   with the request, or refuse to act on the request. The controller bears the burden of

19.28   demonstrating the manifestly unfounded or excessive character of the request.

19.29   (h) A controller is not required to comply with a request to exercise any of the rights

19.30   under subdivision 1, paragraphs (b) to (h), if the controller is unable to authenticate the

19.31   request using commercially reasonable efforts. In such cases, the controller may request

19.32   the provision of additional information reasonably necessary to authenticate the request. A

19.33   controller is not required to authenticate an opt-out request, but a controller may deny an

19.34   opt-out request if the controller has a good faith, reasonable, and documented belief that

20.1   the request is fraudulent. If a controller denies an opt-out request because the controller

20.2   believes a request is fraudulent, the controller must notify the person who made the request

20.3   that the request was denied due to the controller's belief that the request was fraudulent and

20.4   state the controller's basis for that belief.

20.5   (i) In response to a consumer request under subdivision 1, a controller must not disclose

20.6   the following information about a consumer, but must instead inform the consumer with

20.7   sufficient particularity that the controller has collected that type of information:

20.8   (1) Social Security number;

20.9   (2) driver's license number or other government-issued identification number;

20.10   (3) financial account number;

20.11   (4) health insurance account number or medical identification number;

20.12   (5) account password, security questions, or answers; or

20.13   (6) biometric data.

20.14   (j) In response to a consumer request under subdivision 1, a controller is not required

20.15   to reveal any trade secret.

20.16   (k) A controller that has obtained personal data about a consumer from a source other

20.17   than the consumer may comply with a consumer's request to delete the consumer's personal

20.18   data pursuant to subdivision 1, paragraph (d), by either:

20.19   (1) retaining a record of the deletion request, retaining the minimum data necessary for

20.20   the purpose of ensuring the consumer's personal data remains deleted from the business's

20.21   records, and not using the retained data for any other purpose pursuant to the provisions of

20.22   this chapter; or

20.23   (2) opting the consumer out of the processing of personal data for any purpose except

20.24   for the purposes exempted pursuant to the provisions of this chapter.

20.25   Subd. 5. **Appeal process required.** (a) A controller must establish an internal process

20.26   whereby a consumer may appeal a refusal to take action on a request to exercise any of the

20.27   rights under subdivision 1 within a reasonable period of time after the consumer's receipt

20.28   of the notice sent by the controller under subdivision 3, paragraph (f).

20.29   (b) The appeal process must be conspicuously available. The process must include the

20.30   ease of use provisions in subdivision 3 applicable to submitting requests.

21.1   (c) Within 45 days of receipt of an appeal, a controller must inform the consumer of any

21.2   action taken or not taken in response to the appeal, along with a written explanation of the

21.3   reasons in support thereof. That period may be extended by 60 additional days where

21.4   reasonably necessary, taking into account the complexity and number of the requests serving

21.5   as the basis for the appeal. The controller must inform the consumer of any extension within

21.6   45 days of receipt of the appeal, together with the reasons for the delay.

21.7   (d) When informing a consumer of any action taken or not taken in response to an appeal

21.8   pursuant to paragraph (c), the controller must provide a written explanation of the reasons

21.9   for the controller's decision and clearly and prominently provide the consumer with

21.10   information about how to file a complaint with the Office of the Attorney General. The

21.11   controller must maintain records of all appeals and the controller's responses for at least 24

21.12   months and shall, upon written request by the attorney general as part of an investigation,

21.13   compile and provide a copy of the records to the attorney general.

21.14   Sec. 7. **[325O.06] PROCESSING DEIDENTIFIED DATA OR PSEUDONYMOUS**

21.15   **DATA.**

21.16   (a) This chapter does not require a controller or processor to do any of the following

21.17   solely for purposes of complying with this chapter:

21.18   (1) reidentify deidentified data;

21.19   (2) maintain data in identifiable form, or collect, obtain, retain, or access any data or

21.20   technology, in order to be capable of associating an authenticated consumer request with

21.21   personal data; or

21.22   (3) comply with an authenticated consumer request to access, correct, delete, or port

21.23   personal data pursuant to section 325O.05, subdivision 1, if all of the following are true:

21.24   (i) the controller is not reasonably capable of associating the request with the personal

21.25   data, or it would be unreasonably burdensome for the controller to associate the request

21.26   with the personal data;

21.27   (ii) the controller does not use the personal data to recognize or respond to the specific

21.28   consumer who is the subject of the personal data, or associate the personal data with other

21.29   personal data about the same specific consumer; and

21.30   (iii) the controller does not sell the personal data to any third party or otherwise

21.31   voluntarily disclose the personal data to any third party other than a processor, except as

21.32   otherwise permitted in this section.

22.1　　(b) The rights contained in section 325O.05, subdivision 1, paragraphs (b) to (h), do not

22.2　apply to pseudonymous data in cases where the controller is able to demonstrate any

22.3　information necessary to identify the consumer is kept separately and is subject to effective

22.4　technical and organizational controls that prevent the controller from accessing the

22.5　information.

22.6　　(c) A controller that uses pseudonymous data or deidentified data must exercise reasonable

22.7　oversight to monitor compliance with any contractual commitments to which the

22.8　pseudonymous data or deidentified data are subject, and must take appropriate steps to

22.9　address any breaches of contractual commitments.

22.10　　(d) A processor or third party must not attempt to identify the subjects of deidentified

22.11　or pseudonymous data without the express authority of the controller that caused the data

22.12　to be deidentified or pseudonymized.

22.13　　(e) A controller, processor, or third party must not attempt to identify the subjects of

22.14　data that has been collected with only pseudonymous identifiers.

22.15　Sec. 8. **[325O.07] RESPONSIBILITIES OF CONTROLLERS.**

22.16　Subdivision 1. **Transparency obligations.** (a) Controllers must provide consumers with

22.17　a reasonably accessible, clear, and meaningful privacy notice that includes:

22.18　　(1) the categories of personal data processed by the controller;

22.19　　(2) the purposes for which the categories of personal data are processed;

22.20　　(3) an explanation of the rights contained in section 325O.05 and how and where

22.21　consumers may exercise those rights, including how a consumer may appeal a controller's

22.22　action with regard to the consumer's request;

22.23　　(4) the categories of personal data that the controller sells to or shares with third parties,

22.24　if any;

22.25　　(5) the categories of third parties, if any, with whom the controller sells or shares personal

22.26　data;

22.27　　(6) the controller's contact information, including an active email address or other online

22.28　mechanism that the consumer may use to contact the controller;

22.29　　(7) a description of the controller's retention policies for personal data; and

22.30　　(8) the date the privacy notice was last updated.

23.1   (b) If a controller sells personal data to third parties, processes personal data for targeted

23.2   advertising, or engages in profiling in furtherance of decisions that produce legal effects

23.3   concerning a consumer or similarly significant effects concerning a consumer, the controller

23.4   must disclose such processing in the privacy notice and provide access to a clear and

23.5   conspicuous method outside the privacy notice for a consumer to opt out of the sale,

23.6   processing, or profiling in furtherance of decisions that produce legal effects concerning a

23.7   consumer or similarly significant effects concerning a consumer. This method may include

23.8   but is not limited to an internet hyperlink clearly labeled "Your Opt-Out Rights" or "Your

23.9   Privacy Rights" that directly effectuates the opt-out request or takes consumers to a web

23.10   page where the consumer can make the opt-out request.

23.11   (c) The privacy notice must be made available to the public in each language in which

23.12   the controller provides a product or service that is subject to the privacy notice or carries

23.13   out activities related to the product or service.

23.14   (d) The controller must provide the privacy notice in a manner that is reasonably

23.15   accessible to and usable by individuals with disabilities.

23.16   (e) Whenever a controller makes a material change to the controller's privacy notice or

23.17   practices, the controller must notify consumers affected by the material change with respect

23.18   to any prospectively collected personal data and provide a reasonable opportunity for

23.19   consumers to withdraw consent to any further materially different collection, processing,

23.20   or transfer of previously collected personal data under the changed policy. The controller

23.21   shall take all reasonable electronic measures to provide notification regarding material

23.22   changes to affected consumers, taking into account available technology and the nature of

23.23   the relationship.

23.24   (f) A controller is not required to provide a separate Minnesota-specific privacy notice

23.25   or section of a privacy notice if the controller's general privacy notice contains all the

23.26   information required by this section.

23.27   (g) The privacy notice must be posted online through a conspicuous hyperlink using the

23.28   word "privacy" on the controller's website home page or on a mobile application's app store

23.29   page or download page. A controller that maintains an application on a mobile or other

23.30   device shall also include a hyperlink to the privacy notice in the application's settings menu

23.31   or in a similarly conspicuous and accessible location. A controller that does not operate a

23.32   website shall make the privacy notice conspicuously available to consumers through a

23.33   medium regularly used by the controller to interact with consumers, including but not limited

23.34   to mail.

24.1   Subd. 2. **Use of data.** (a) A controller must limit the collection of personal data to what

24.2   is adequate, relevant, and reasonably necessary in relation to the purposes for which the

24.3   data are processed, which must be disclosed to the consumer.

24.4   (b) Except as provided in this chapter, a controller may not process personal data for

24.5   purposes that are not reasonably necessary to, or compatible with, the purposes for which

24.6   the personal data are processed, as disclosed to the consumer, unless the controller obtains

24.7   the consumer's consent.

24.8   (c) A controller shall establish, implement, and maintain reasonable administrative,

24.9   technical, and physical data security practices to protect the confidentiality, integrity, and

24.10   accessibility of personal data, including the maintenance of an inventory of the data that

24.11   must be managed to exercise these responsibilities. The data security practices shall be

24.12   appropriate to the volume and nature of the personal data at issue.

24.13   (d) Except as otherwise provided in this act, a controller may not process sensitive data

24.14   concerning a consumer without obtaining the consumer's consent, or, in the case of the

24.15   processing of personal data concerning a known child, without obtaining consent from the

24.16   child's parent or lawful guardian, in accordance with the requirement of the Children's

24.17   Online Privacy Protection Act, United States Code, title 15, sections 6501 to 6506, and its

24.18   implementing regulations, rules, and exemptions.

24.19   (e) A controller shall provide an effective mechanism for a consumer, or, in the case of

24.20   the processing of personal data concerning a known child, the child's parent or lawful

24.21   guardian, to revoke previously given consent under this subdivision. The mechanism provided

24.22   shall be at least as easy as the mechanism by which the consent was previously given. Upon

24.23   revocation of consent, a controller shall cease to process the applicable data as soon as

24.24   practicable, but not later than 15 days after the receipt of such request.

24.25   (f) A controller may not process the personal data of a consumer for purposes of targeted

24.26   advertising, or sell the consumer's personal data, without the consumer's consent, under

24.27   circumstances where the controller knows that the consumer is between the ages of 13 and

24.28   16.

24.29   (g) A controller may not retain personal data that is no longer relevant and reasonably

24.30   necessary in relation to the purposes for which the data were collected and processed, unless

24.31   retention of the data is otherwise required by law or permitted under section 325O.09.

24.32   Subd. 3. **Nondiscrimination.** (a) A controller shall not process personal data on the

24.33   basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity,

24.34   religion, national origin, sex, gender, gender identity, sexual orientation, familial status,

25.1   lawful source of income, or disability in a manner that unlawfully discriminates against the

25.2   consumer or class of consumers with respect to the offering or provision of: housing,

25.3   employment, credit, or education; or the goods, services, facilities, privileges, advantages,

25.4   or accommodations of any place of public accommodation.

25.5   (b) A controller may not discriminate against a consumer for exercising any of the rights

25.6   contained in this chapter, including denying goods or services to the consumer, charging

25.7   different prices or rates for goods or services, and providing a different level of quality of

25.8   goods and services to the consumer. This subdivision does not: (1) require a controller to

25.9   provide a good or service that requires the personal data of a consumer that the controller

25.10   does not collect or maintain; or (2) prohibit a controller from offering a different price, rate,

25.11   level, quality, or selection of goods or services to a consumer, including offering goods or

25.12   services for no fee, if the offering is in connection with a consumer's voluntary participation

25.13   in a bona fide loyalty, rewards, premium features, discounts, or club card program.

25.14   (c) A controller may not sell personal data to a third-party controller as part of a bona

25.15   fide loyalty, rewards, premium features, discounts, or club card program under paragraph

25.16   (b) unless:

25.17   (1) the sale is reasonably necessary to enable the third party to provide a benefit to which

25.18   the consumer is entitled;

25.19   (2) the sale of personal data to third parties is clearly disclosed in the terms of the

25.20   program; and

25.21   (3) the third party uses the personal data only for purposes of facilitating a benefit to

25.22   which the consumer is entitled and does not retain or otherwise use or disclose the personal

25.23   data for any other purpose.

25.24   Subd. 4. **Waiver of rights unenforceable.** Any provision of a contract or agreement of

25.25   any kind that purports to waive or limit in any way a consumer's rights under this chapter

25.26   is contrary to public policy and is void and unenforceable.

25.27   Sec. 9. **[325O.075] REQUIREMENTS FOR SMALL BUSINESSES.**

25.28   (a) A small business, as defined by the United States Small Business Administration

25.29   under Code of Federal Regulations, title 13, part 121, that conducts business in Minnesota

25.30   or produces products or services that are targeted to residents of Minnesota, must not sell

25.31   a consumer's sensitive data without the consumer's prior consent.

25.32   (b) Penalties and attorney general enforcement procedures under section 325O.10 apply

25.33   to a small business that violates this section.

26.1   Sec. 10. **[325O.08] DATA PRIVACY POLICIES AND DATA PRIVACY**

26.2   **PROTECTION ASSESSMENTS.**

26.3   (a) A controller must document and maintain a description of the policies and procedures

26.4   the controller has adopted to comply with this chapter. The description must include, where

26.5   applicable:

26.6   (1) the name and contact information for the controller's chief privacy officer or other

26.7   individual with primary responsibility for directing the policies and procedures implemented

26.8   to comply with the provisions of this chapter; and

26.9   (2) a description of the controller's data privacy policies and procedures which reflect

26.10   the requirements in section 325O.07, and any policies and procedures designed to:

26.11   (i) reflect the requirements of this chapter in the design of the controller's systems;

26.12   (ii) identify and provide personal data to a consumer as required by this chapter;

26.13   (iii) establish, implement, and maintain reasonable administrative, technical, and physical

26.14   data security practices to protect the confidentiality, integrity, and accessibility of personal

26.15   data, including the maintenance of an inventory of the data that must be managed to exercise

26.16   the responsibilities under this item;

26.17   (iv) limit the collection of personal data to what is adequate, relevant, and reasonably

26.18   necessary in relation to the purposes for which the data are processed;

26.19   (v) prevent the retention of personal data that is no longer relevant and reasonably

26.20   necessary in relation to the purposes for which the data were collected and processed, unless

26.21   retention of the data is otherwise required by law or permitted under section 325O.09; and

26.22   (vi) identify and remediate violations of this chapter.

26.23   (b) A controller must conduct and document a data privacy and protection assessment

26.24   for each of the following processing activities involving personal data:

26.25   (1) the processing of personal data for purposes of targeted advertising;

26.26   (2) the sale of personal data;

26.27   (3) the processing of sensitive data;

26.28   (4) any processing activities involving personal data that present a heightened risk of

26.29   harm to consumers; and

26.30   (5) the processing of personal data for purposes of profiling, where the profiling presents

26.31   a reasonably foreseeable risk of:

27.1   (i) unfair or deceptive treatment of, or disparate impact on, consumers;

27.2   (ii) financial, physical, or reputational injury to consumers;

27.3   (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or

27.4   concerns, of consumers, where the intrusion would be offensive to a reasonable person; or

27.5   (iv) other substantial injury to consumers.

27.6   (c) A data privacy and protection assessment must take into account the type of personal

27.7   data to be processed by the controller, including the extent to which the personal data are

27.8   sensitive data, and the context in which the personal data are to be processed.

27.9   (d) A data privacy and protection assessment must identify and weigh the benefits that

27.10   may flow directly and indirectly from the processing to the controller, consumer, other

27.11   stakeholders, and the public against the potential risks to the rights of the consumer associated

27.12   with the processing, as mitigated by safeguards that can be employed by the controller to

27.13   reduce the potential risks. The use of deidentified data and the reasonable expectations of

27.14   consumers, as well as the context of the processing and the relationship between the controller

27.15   and the consumer whose personal data will be processed, must be factored into this

27.16   assessment by the controller.

27.17   (e) A data privacy and protection assessment must include the description of policies

27.18   and procedures required by paragraph (a).

27.19   (f) As part of a civil investigative demand, the attorney general may request, in writing,

27.20   that a controller disclose any data privacy and protection assessment that is relevant to an

27.21   investigation conducted by the attorney general. The controller must make a data privacy

27.22   and protection assessment available to the attorney general upon a request made under this

27.23   paragraph. The attorney general may evaluate the data privacy and protection assessments

27.24   for compliance with this chapter. Data privacy and protection assessments are classified as

27.25   nonpublic data, as defined by section 13.02, subdivision 9. The disclosure of a data privacy

27.26   and protection assessment pursuant to a request from the attorney general under this

27.27   paragraph does not constitute a waiver of the attorney-client privilege or work product

27.28   protection with respect to the assessment and any information contained in the assessment.

27.29   (g) Data privacy and protection assessments or risk assessments conducted by a controller

27.30   for the purpose of compliance with other laws or regulations may qualify under this section

27.31   if the assessments have a similar scope and effect.

27.32   (h) A single data protection assessment may address multiple sets of comparable

27.33   processing operations that include similar activities.

28.1   Sec. 11. **[325O.09] LIMITATIONS AND APPLICABILITY.**

28.2   (a) The obligations imposed on controllers or processors under this chapter do not restrict

28.3   a controller's or a processor's ability to:

28.4   (1) comply with federal, state, or local laws, rules, or regulations, including but not

28.5   limited to data retention requirements in state or federal law notwithstanding a consumer's

28.6   request to delete personal data;

28.7   (2) comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or

28.8   summons by federal, state, local, or other governmental authorities;

28.9   (3) cooperate with law enforcement agencies concerning conduct or activity that the

28.10   controller or processor reasonably and in good faith believes may violate federal, state, or

28.11   local laws, rules, or regulations;

28.12   (4) investigate, establish, exercise, prepare for, or defend legal claims;

28.13   (5) provide a product or service specifically requested by a consumer, perform a contract

28.14   to which the consumer is a party, including fulfilling the terms of a written warranty, or

28.15   take steps at the request of the consumer prior to entering into a contract;

28.16   (6) take immediate steps to protect an interest that is essential for the life or physical

28.17   safety of the consumer or of another natural person, and where the processing cannot be

28.18   manifestly based on another legal basis;

28.19   (7) prevent, detect, protect against, or respond to security incidents, identity theft, fraud,

28.20   harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity

28.21   or security of systems; or investigate, report, or prosecute those responsible for any such

28.22   action;

28.23   (8) assist another controller, processor, or third party with any of the obligations under

28.24   this paragraph;

28.25   (9) engage in public or peer-reviewed scientific, historical, or statistical research in the

28.26   public interest that adheres to all other applicable ethics and privacy laws and is approved,

28.27   monitored, and governed by an institutional review board, human subjects research ethics

28.28   review board, or a similar independent oversight entity which has determined that:

28.29   (i) the research is likely to provide substantial benefits that do not exclusively accrue to

28.30   the controller;

28.31   (ii) the expected benefits of the research outweigh the privacy risks; and

29.1   (iii) the controller has implemented reasonable safeguards to mitigate privacy risks

29.2   associated with research, including any risks associated with reidentification; or

29.3   (10) process personal data for the benefit of the public in the areas of public health,

29.4   community health, or population health, but only to the extent that the processing is:

29.5   (i) subject to suitable and specific measures to safeguard the rights of the consumer

29.6   whose personal data is being processed; and

29.7   (ii) under the responsibility of a professional individual who is subject to confidentiality

29.8   obligations under federal, state, or local law.

29.9   (b) The obligations imposed on controllers or processors under this chapter do not restrict

29.10   a controller's or processor's ability to collect, use, or retain data to:

29.11   (1) effectuate a product recall or identify and repair technical errors that impair existing

29.12   or intended functionality;

29.13   (2) perform internal operations that are reasonably aligned with the expectations of the

29.14   consumer based on the consumer's existing relationship with the controller, or are otherwise

29.15   compatible with processing in furtherance of the provision of a product or service specifically

29.16   requested by a consumer or the performance of a contract to which the consumer is a party;

29.17   or

29.18   (3) conduct internal research to develop, improve, or repair products, services, or

29.19   technology.

29.20   (c) The obligations imposed on controllers or processors under this chapter do not apply

29.21   where compliance by the controller or processor with this chapter would violate an

29.22   evidentiary privilege under Minnesota law and do not prevent a controller or processor from

29.23   providing personal data concerning a consumer to a person covered by an evidentiary

29.24   privilege under Minnesota law as part of a privileged communication.

29.25   (d) A controller or processor that discloses personal data to a third-party controller or

29.26   processor in compliance with the requirements of this chapter is not in violation of this

29.27   chapter if the recipient processes the personal data in violation of this chapter, provided that

29.28   at the time of disclosing the personal data, the disclosing controller or processor did not

29.29   have actual knowledge that the recipient intended to commit a violation. A third-party

29.30   controller or processor receiving personal data from a controller or processor in compliance

29.31   with the requirements of this chapter is not in violation of this chapter for the obligations

29.32   of the controller or processor from which the third-party controller or processor receives

29.33   the personal data.

30.1   (e) Obligations imposed on controllers and processors under this chapter shall not:

30.2   (1) adversely affect the rights or freedoms of any persons, including exercising the right

30.3   of free speech pursuant to the First Amendment of the United States Constitution; or

30.4   (2) apply to the processing of personal data by a natural person in the course of a purely

30.5   personal or household activity.

30.6   (f) Personal data that are processed by a controller pursuant to this section may be

30.7   processed solely to the extent that the processing is:

30.8   (1) necessary, reasonable, and proportionate to the purposes listed in this section;

30.9   (2) adequate, relevant, and limited to what is necessary in relation to the specific purpose

30.10   or purposes listed in this section; and

30.11   (3) insofar as possible, taking into account the nature and purpose of processing the

30.12   personal data, subjected to reasonable administrative, technical, and physical measures to

30.13   protect the confidentiality, integrity, and accessibility of the personal data, and to reduce

30.14   reasonably foreseeable risks of harm to consumers.

30.15   (g) If a controller processes personal data pursuant to an exemption in this section, the

30.16   controller bears the burden of demonstrating that the processing qualifies for the exemption

30.17   and complies with the requirements in paragraph (f).

30.18   (h) Processing personal data solely for the purposes expressly identified in paragraph

30.19   (a), clauses (1) to (7), does not, by itself, make an entity a controller with respect to the

30.20   processing.

30.21   Sec. 12. **[325O.10] ATTORNEY GENERAL ENFORCEMENT.**

30.22   (a) In the event that a controller or processor violates this chapter, the attorney general,

30.23   prior to filing an enforcement action under paragraph (b), must provide the controller or

30.24   processor with a warning letter identifying the specific provisions of this chapter the attorney

30.25   general alleges have been or are being violated. If, after 30 days of issuance of the warning

30.26   letter, the attorney general believes the controller or processor has failed to cure any alleged

30.27   violation, the attorney general may bring an enforcement action under paragraph (b). This

30.28   paragraph expires January 31, 2026.

30.29   (b) The attorney general may bring a civil action against a controller or processor to

30.30   enforce a provision of this chapter in accordance with section 8.31. If the state prevails in

30.31   an action to enforce this chapter, the state may, in addition to penalties provided by paragraph

31.1   (c) or other remedies provided by law, be allowed an amount determined by the court to be

31.2   the reasonable value of all or part of the state's litigation expenses incurred.

31.3   (c) Any controller or processor that violates this chapter is subject to an injunction and

31.4   liable for a civil penalty of not more than $7,500 for each violation.

31.5   (d) Nothing in this chapter establishes a private right of action, including under section

31.6   8.31, subdivision 3a, for a violation of this chapter or any other law.

31.7   Sec. 13. **[325O.11] PREEMPTION OF LOCAL LAW; SEVERABILITY.**

31.8   (a) This chapter supersedes and preempts laws, ordinances, regulations, or the equivalent

31.9   adopted by any local government regarding the processing of personal data by controllers

31.10   or processors.

31.11   (b) If any provision of this chapter or its application to any person or circumstance is

31.12   held invalid, the remainder of the chapter or the application of the provision to other persons

31.13   or circumstances is not affected.

31.14   Sec. 14. **EFFECTIVE DATE.**

31.15   This article is effective July 31, 2025, except that postsecondary institutions regulated

31.16   by the Office of Higher Education are not required to comply with this article until July 31,

31.17   2029.

31.18   **ARTICLE 3**
31.19   **COMMERCE POLICY**

31.20   Section 1. Minnesota Statutes 2022, section 45.0135, subdivision 7, is amended to read:

31.21   Subd. 7. **Assessment.** Each insurer authorized to sell insurance in the state of Minnesota,

31.22   including surplus lines carriers, and having Minnesota earned premium the previous calendar

31.23   year shall remit an assessment to the commissioner for deposit in the insurance fraud

31.24   prevention account on or before June 1 of each year. The amount of the assessment shall

31.25   be based on the insurer's total assets and on the insurer's total written Minnesota premium,

31.26   for the preceding fiscal year, as reported pursuant to section 60A.13. The assessment is

31.27   calculated to be an amount up to the following Beginning with the payment due on or before

31.28   June 1, 2024, the assessment amount is:

Total Assets		Assessment
		~~200~~
Less than $100,000,000	$	400

		Assessment
		~~750~~
$100,000,000 to $1,000,000,000	$	1,500
		~~2,000~~
Over $1,000,000,000	$	4,000
Minnesota Written Premium		Assessment
		~~200~~
Less than $10,000,000	$	400
		~~750~~
$10,000,000 to $100,000,000	$	1,500
		~~2,000~~
Over $100,000,000	$	4,000

For purposes of this subdivision, the following entities are not considered to be insurers authorized to sell insurance in the state of Minnesota: risk retention groups; or township mutuals organized under chapter 67A.

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

Sec. 2. **[58B.051] REGISTRATION FOR LENDERS.**

(a) Beginning January 1, 2025, a lender must register with the commissioner as a lender before providing services in Minnesota. A lender must not offer or make a student loan to a resident of Minnesota without first registering with the commissioner as provided in this section.

(b) A registration application must include:

(1) the lender's name;

(2) the lender's address;

(3) the names of all officers, directors, partners, and owners of controlling interests in the lender;

(4) the addresses of all officers, directors, partners, and owners of controlling interests in the lender; and

(5) any other information the commissioner requires by rule.

(c) A lender must renew the lender's registration on an annual basis and may be required to pay a fee at the time of renewal.

(d) The commissioner may adopt and enforce:

(1) registration procedures for lenders, which may include using the Nationwide Multistate Licensing System and Registry;

33.1 (2) registration fees for lenders, which may include fees for using the Nationwide

33.2 Multistate Licensing System and Registry, to be paid directly by the lender;

33.3 (3) procedures and fees to renew a lender's registration, which may include fees for the

33.4 renewed use of Nationwide Multistate Licensing System and Registry, to be paid directly

33.5 by the lender; and

33.6 (4) alternate registration procedures and fees for institutions of postsecondary education

33.7 that offer student loans.

33.8 Sec. 3. **[62J.96] ACCESS TO 340B DRUGS.**

33.9 Subdivision 1. **Manufacturers.** A manufacturer must not directly or indirectly restrict,

33.10 prohibit, or otherwise interfere with the delivery of a covered outpatient drug to a pharmacy

33.11 that is under contract with a 340B covered entity to receive and dispense covered outpatient

33.12 drugs on behalf of the covered entity, unless the delivery of the drug to the pharmacy is

33.13 prohibited under the 340B Drug Pricing Program.

33.14 Subd. 2. **Definitions.** (a) For purposes of this section, the following definitions apply.

33.15 (b) "340B covered entity" has the meaning provided in section 340B(a)(4) of the Public

33.16 Health Service Act.

33.17 (c) "Covered outpatient drug" has the meaning provided in section 1927(k) of the Social

33.18 Security Act.

33.19 (d) "Manufacturer" has the meaning provided in section 151.01, subdivision 14a.

33.20 Sec. 4. Minnesota Statutes 2022, section 62Q.73, subdivision 3, is amended to read:

33.21 Subd. 3. **Right to external review.** (a) Any enrollee or anyone acting on behalf of an

33.22 enrollee who has received an adverse determination may submit a written request for an

33.23 external review of the adverse determination, if applicable under section 62Q.68, subdivision

33.24 1, or 62M.06, to the commissioner of health if the request involves a health plan company

33.25 regulated by that commissioner or to the commissioner of commerce if the request involves

33.26 a health plan company regulated by that commissioner. Notification of the enrollee's right

33.27 to external review must accompany the denial issued by the insurer. ~~The written request~~

33.28 ~~must be accompanied by a filing fee of $25. The fee may be waived by the commissioner~~

33.29 ~~of health or commerce in cases of financial hardship and must be refunded if the adverse~~

33.30 ~~determination is completely reversed. No enrollee may be subject to filing fees totaling~~

33.31 ~~more than $75 during a plan year for group coverage or policy year for individual coverage.~~

34.1   (b) Nothing in this section requires the commissioner of health or commerce to

34.2   independently investigate an adverse determination referred for independent external review.

34.3   (c) If an enrollee requests an external review, the health plan company must participate

34.4   in the external review. The cost of the external review ~~in excess of the filing fee described~~

34.5   ~~in paragraph (a) shall~~ must be borne by the health plan company.

34.6   (d) The enrollee must request external review within six months from the date of the

34.7   adverse determination.

34.8   Sec. 5. Minnesota Statutes 2023 Supplement, section 144.197, is amended to read:

34.9   **144.197 CANNABIS AND SUBSTANCE MISUSE PREVENTION AND**

34.10   **EDUCATION PROGRAMS.**

34.11   Subdivision 1. **Youth prevention and education program.** The commissioner of health,

34.12   in consultation with the commissioners of human services and education and in collaboration

34.13   with local health departments and Tribal health departments, shall conduct a long-term,

34.14   coordinated ~~education~~ program to raise public awareness about ~~and address the top three~~

34.15   substance misuse prevention, treatment options, and recovery options. The program must

34.16   address adverse health effects~~, as determined by the commissioner,~~ associated with the use

34.17   of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived

34.18   consumer products by persons under age 25. In conducting this education program, the

34.19   commissioner shall engage and consult with youth around the state on program content and

34.20   on methods to effectively disseminate program information to youth around the state.

34.21   Subd. 2. **Prevention and education program for pregnant and breastfeeding**

34.22   **individuals; and individuals who may become pregnant.** The commissioner of health,

34.23   in consultation with the commissioners of human services and education, shall conduct a

34.24   long-term, coordinated prevention program ~~to educate~~ focused on (1) preventing substance

34.25   use by pregnant individuals, breastfeeding individuals, and (2) individuals who may become

34.26   pregnant, and raising public awareness of the risks of substance use while pregnant or

34.27   breastfeeding. The program must include education on the adverse health effects of prenatal

34.28   exposure to cannabis flower, cannabis products, lower-potency hemp edibles, or

34.29   hemp-derived consumer products and on the adverse health effects experienced by infants

34.30   and children who are exposed to cannabis flower, cannabis products, lower-potency hemp

34.31   edibles, or hemp-derived consumer products in breast milk, from secondhand smoke, or by

34.32   ingesting cannabinoid products. This prevention and education program must also educate

34.33   individuals on what constitutes a substance use disorder, signs of a substance use disorder,

34.34   and treatment options for persons with a substance use disorder. The prevention and education

35.1　program must also provide resources, including training resources, technical assistance, or

35.2　educational materials, to local public health home visiting programs, Tribal home visiting

35.3　programs, and child welfare workers.

35.4　~~Subd. 3.~~ **~~Home visiting programs.~~** ~~The commissioner of health shall provide training,~~

35.5　~~technical assistance, and education materials to local public health home visiting programs~~

35.6　~~and Tribal home visiting programs and child welfare workers regarding the safe and unsafe~~

35.7　~~use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived~~

35.8　~~consumer products in homes with infants and young children. Training, technical assistance,~~

35.9　~~and education materials shall address substance use, the signs of a substance use disorder,~~

35.10　~~treatment options for persons with a substance use disorder, the dangers of driving under~~

35.11　~~the influence of cannabis flower, cannabis products, lower-potency hemp edibles, or~~

35.12　~~hemp-derived consumer products, how to safely consume cannabis flower, cannabis products,~~

35.13　~~lower-potency hemp edibles, or hemp-derived consumer products in homes with infants~~

35.14　~~and young children, and how to prevent infants and young children from being exposed to~~

35.15　~~cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer~~

35.16　~~products by ingesting cannabinoid products or through secondhand smoke.~~

35.17　Subd. 4. **Local and Tribal health departments.** The commissioner of health shall

35.18　distribute grants to local health departments and Tribal health departments for ~~these~~ the

35.19　departments to create ~~and disseminate educational materials on cannabis flower, cannabis~~

35.20　~~products, lower-potency hemp edibles, and hemp-derived consumer products and to provide~~

35.21　~~safe use and prevention training, education, technical assistance, and community engagement~~

35.22　~~regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived~~

35.23　~~consumer products.~~ prevention, education, and recovery programs focusing on substance

35.24　misuse prevention and treatment options. The programs must include specific

35.25　cannabis-related initiatives.

35.26　Sec. 6. Minnesota Statutes 2023 Supplement, section 325E.21, subdivision 1b, is amended

35.27　to read:

35.28　Subd. 1b. **Purchase or acquisition record required.** (a) Every scrap metal dealer,

35.29　including an agent, employee, or representative of the dealer, shall create a permanent record

35.30　written in English, using an electronic record program at the time of each purchase or

35.31　acquisition of scrap metal or a motor vehicle. The record must include:

35.32　(1) a complete and accurate account or description, including the weight if customarily

35.33　purchased by weight, of the scrap metal or motor vehicle purchased or acquired;

36.1   (2) the date, time, and place of the receipt of the scrap metal or motor vehicle purchased

36.2   or acquired and a unique transaction identifier;

36.3   (3) a photocopy or electronic scan of the seller's proof of identification including the

36.4   identification number;

36.5   (4) the amount paid and the number of the check or electronic transfer used to purchase

36.6   or acquire the scrap metal or motor vehicle;

36.7   (5) the license plate number and description of the vehicle used by the person when

36.8   delivering the scrap metal or motor vehicle, including the vehicle make and model, and any

36.9   identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;

36.10   (6) a statement signed by the seller, under penalty of perjury as provided in section

36.11   609.48, attesting that the scrap metal or motor vehicle is not stolen and is free of any liens

36.12   or encumbrances and the seller has the right to sell it;

36.13   (7) a copy of the receipt, which must include at least the following information: the name

36.14   and address of the dealer, the date and time the scrap metal or motor vehicle was received

36.15   by the dealer, an accurate description of the scrap metal or motor vehicle, and the amount

36.16   paid for the scrap metal or motor vehicle;

36.17   (8) in order to purchase or acquire a detached catalytic converter, the vehicle identification

36.18   number of the car it was removed from or, as an alternative, any numbers, bar codes, stickers,

36.19   or other unique markings, whether resulting from the pilot project created under subdivision

36.20   2b or some other source. The alternative number must be under a numbering system that

36.21   can be immediately linked to the vehicle identification number by law enforcement; ~~and~~

36.22   (9) the identity or identifier of the employee completing the transaction~~.~~; and

36.23   (10) if the seller is attempting to sell copper metal, a photocopy or electronic scan of the

36.24   seller's current license to sell scrap metal copper issued by the commissioner under

36.25   subdivision 2c.

36.26   (b) The record, as well as the scrap metal or motor vehicle purchased or acquired, shall

36.27   at all reasonable times be open to the inspection of any properly identified law enforcement

36.28   officer.

36.29   (c) Except for the purchase or acquisition of detached catalytic converters or motor

36.30   vehicles, no record is required for property purchased or acquired from merchants,

36.31   manufacturers, salvage pools, insurance companies, rental car companies, financial

36.32   institutions, charities, dealers licensed under section 168.27, or wholesale dealers, having

36.33   an established place of business, or of any goods purchased or acquired at open sale from

37.1 any bankrupt stock, but a receipt as required under paragraph (a), clause (7), shall be obtained

37.2 and kept by the person, which must be shown upon demand to any properly identified law

37.3 enforcement officer.

37.4   (d) The dealer must provide a copy of the receipt required under paragraph (a), clause

37.5 (7), to the seller in every transaction.

37.6   (e) The commissioner of public safety and law enforcement agencies in the jurisdiction

37.7 where a dealer is located may conduct inspections and audits as necessary to ensure

37.8 compliance, refer violations to the city or county attorney for criminal prosecution, and

37.9 notify the registrar of motor vehicles.

37.10   (f) Except as otherwise provided in this section, a scrap metal dealer or the dealer's agent,

37.11 employee, or representative may not disclose personal information concerning a customer

37.12 without the customer's consent unless the disclosure is required by law or made in response

37.13 to a request from a law enforcement agency. A scrap metal dealer must implement reasonable

37.14 safeguards to protect the security of the personal information and prevent unauthorized

37.15 access to or disclosure of the information. For purposes of this paragraph, "personal

37.16 information" is any individually identifiable information gathered in connection with a

37.17 record under paragraph (a).

37.18   Sec. 7. Minnesota Statutes 2022, section 325E.21, is amended by adding a subdivision to

37.19 read:

37.20   Subd. 2c. **License required for scrap metal copper sale.** (a) Beginning January 1,

37.21 2025, a person is prohibited from engaging in the sale of scrap metal copper unless the

37.22 person has a valid license issued by the commissioner under this subdivision.

37.23   (b) A seller of scrap metal copper may apply to the commissioner on a form prescribed

37.24 by the commissioner. The application form must include, at a minimum:

37.25   (1) the name, permanent address, telephone number, and date of birth of the applicant;

37.26 and

37.27   (2) an acknowledgment that the applicant obtained the copper by lawful means in the

37.28 regular course of the applicant's business, trade, or authorized construction work.

37.29   (c) Each application must be accompanied by a nonrefundable fee of $250.

37.30   (d) Within 30 days of the date an application is received, the commissioner may require

37.31 additional information or submissions from an applicant and may obtain any document or

37.32 information that is reasonably necessary to verify the information contained in the application.

38.1 Within 90 days after the date a completed application is received, the commissioner must

38.2 review the application and issue a license if the applicant is deemed qualified under this

38.3 section. The commissioner may issue a license subject to restrictions or limitations. If the

38.4 commissioner determines the applicant is not qualified, the commissioner must notify the

38.5 applicant and must specify the reason for the denial.

38.6 (e) A person licensed to perform work pursuant to chapter 326B or issued a Section 608

38.7 Technician Certification is deemed to hold a license to sell scrap metal copper.

38.8 (f) A license issued under this subdivision is valid for one year. To renew a license, an

38.9 applicant must submit a completed renewal application on a form prescribed by the

38.10 commissioner and a renewal fee of $250. The commissioner may request that a renewal

38.11 applicant submit additional information to clarify any new information presented in the

38.12 renewal application. A renewal application submitted after the renewal deadline must be

38.13 accompanied by a nonrefundable late fee of $500.

38.14 (g) The commissioner may deny a license renewal under this subdivision if:

38.15 (1) the commissioner determines that the applicant is in violation of or noncompliant

38.16 with federal or state law; or

38.17 (2) the applicant fails to timely submit a renewal application and the information required

38.18 under this subdivision.

38.19 (h) In lieu of denying a renewal application under paragraph (g), the commissioner may

38.20 permit the applicant to submit to the commissioner a corrective action plan to cure or correct

38.21 deficiencies.

38.22 (i) The commissioner may suspend, revoke, or place on probation a license issued under

38.23 this subdivision if:

38.24 (1) the applicant engages in fraudulent activity that violates state or federal law;

38.25 (2) the commissioner receives consumer complaints that justify an action under this

38.26 subdivision to protect the safety and interests of consumers;

38.27 (3) the applicant fails to pay an application license or renewal fee; or

38.28 (4) the applicant fails to comply with a requirement set forth in this subdivision.

38.29 (j) This subdivision does not apply to transfers by or to an auctioneer who is in

38.30 compliance with chapter 330 and acting in the person's official role as an auctioneer to

38.31 facilitate or conduct an auction of scrap metal.

38.32 (k) The commissioner must enforce this subdivision under chapter 45.

39.1   Sec. 8. Minnesota Statutes 2023 Supplement, section 342.72, is amended to read:

39.2   **342.72 SUBSTANCE USE TREATMENT, RECOVERY, AND PREVENTION**

39.3   **GRANTS.**

39.4   Subdivision 1. ~~Account established;~~ **Appropriation.** A substance use treatment,

39.5   recovery, and prevention grant ~~account~~ is created ~~in the special revenue fund~~. Money ~~in the~~

39.6   ~~account, including interest earned,~~ is appropriated to the ~~office~~ commissioner of health for

39.7   the purposes specified in this section. ~~Of the amount transferred from the general fund to~~

39.8   ~~the account, the office may use up to five percent for administrative expenses.~~

39.9   ~~Subd. 2.~~ **Acceptance of gifts and grants.** ~~Notwithstanding sections 16A.013 to 16A.016,~~

39.10   ~~the office may accept money contributed by individuals and may apply for grants from~~

39.11   ~~charitable foundations to be used for the purposes identified in this section. The money~~

39.12   ~~accepted under this section must be deposited in the substance use treatment, recovery, and~~

39.13   ~~prevention grant account created under subdivision 1.~~

39.14   Subd. 3. **Disposition of money; grants.** (a) Money ~~in the substance use treatment,~~

39.15   ~~recovery, and prevention grant account~~ appropriated to the commissioner of health for

39.16   purposes of this section must be distributed as follows:

39.17   (1) at least 75 percent of the money is for grants for substance use disorder and mental

39.18   health recovery and prevention programs. Funds must be used for recovery and prevention

39.19   activities and supplies that assist individuals and families to initiate, stabilize, and maintain

39.20   long-term recovery from substance use disorders and co-occurring mental health conditions.

39.21   Recovery and prevention activities may include prevention education, school-linked

39.22   behavioral health, school-based peer programs, peer supports, self-care and wellness,

39.23   culturally specific healing, community public awareness, mutual aid networks, telephone

39.24   recovery checkups, mental health warmlines, harm reduction, recovery community

39.25   organization development, first episode psychosis programs, and recovery housing; and

39.26   (2) up to 25 percent of the money is for substance use disorder treatment programs as

39.27   defined in chapter 245G and may be used to implement, strengthen, or expand supportive

39.28   services and activities that are not covered by medical assistance under chapter 256B,

39.29   MinnesotaCare under chapter 256L, or the behavioral health fund under chapter 254B.

39.30   Services and activities may include adoption or expansion of evidence-based practices;

39.31   competency-based training; continuing education; culturally specific and culturally responsive

39.32   services; sober recreational activities; developing referral relationships; family preservation

39.33   and healing; and start-up or capacity funding for programs that specialize in adolescent,

40.1　culturally specific, culturally responsive, disability-specific, co-occurring disorder, or family

40.2　treatment services.

40.3　　(b) The ~~office~~ commissioner of health shall consult with the Governor's Advisory Council

40.4　on Opioids, Substance Use, and Addiction; the commissioner of human services; and ~~the~~

40.5　~~commissioner of health~~ the Office of Cannabis Management to develop an appropriate

40.6　application process, establish grant requirements, determine what organizations are eligible

40.7　to receive grants, and establish reporting requirements for grant recipients.
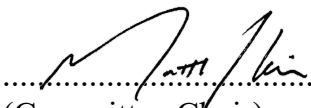
40.8　　Subd. 4. **Reports to the legislature.** By January 15~~, 2024, and~~ each ~~January 15 thereafter~~

40.9　year, the ~~office~~ commissioner of health must submit a report to the chairs and ranking

40.10　minority members of the committees of the house of representatives and the senate having

40.11　jurisdiction over health and human services policy and finance that details grants awarded

40.12　from the substance use treatment, recovery, and prevention grant account, including the

40.13　total amount awarded, total number of recipients, and geographic distribution of those

40.14　recipients."

40.15　　Delete the title and insert:

40.16　　　　　　　　　"A bill for an act

40.17　　relating to modifying appropriations to the Office of Cannabis Management and
40.18　　the Department of Health; modifying fees assessed by the Department of
40.19　　Commerce; adding the Minnesota Consumer Data Privacy Act; adding and
40.20　　modifying consumer protection provisions; amending Minnesota Statutes 2022,
40.21　　sections 45.0135, subdivision 7; 62Q.73, subdivision 3; 325E.21, by adding a
40.22　　subdivision; Minnesota Statutes 2023 Supplement, sections 144.197; 325E.21,
40.23　　subdivision 1b; 342.72; Laws 2023, chapter 63, article 9, sections 5; 10; 15,
40.24　　subdivision 4; 20; proposing coding for new law in Minnesota Statutes, chapters
40.25　　13; 58B; 62J; proposing coding for new law as Minnesota Statutes, chapter 325O."

40.26　　And when so amended the bill do pass and be re-referred to the Committee on Finance.

40.27　Amendments adopted. Report adopted.

40.28　..
40.29　　　　　　　(Committee Chair)

40.30　　　　　　　April 16, 2024...
40.31　　　　　　　(Date of Committee recommendation)