

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

S.F. No. 2216: A bill for an act relating to commerce; establishing a biennial budget for commerce and energy; modifying provisions governing consumer small loans and lending; modifying the Minnesota premium security plan; requiring submission of a state innovation waiver; modifying provisions governing renewable energy, energy conservation, and energy efficiency; regulating retail electric vehicle supply equipment; modifying provisions governing certain cannabis licenses; imposing assessments and fees; appropriating money; authorizing administrative rulemaking; amending Minnesota Statutes 2024, sections 47.60, subdivisions 1, 3, 4, 5, 8, by adding a subdivision; 47.601, subdivisions 1, 5a, 7; 62E.21, by adding a subdivision; 62E.23, subdivisions 1, 2, 3; 62E.24, subdivisions 1, 2; 62E.25, subdivision 1, by adding a subdivision; 80A.58; 80A.65, subdivision 2, by adding a subdivision; 116C.7792; 216C.09; 216C.10; 216C.11; 216C.12; 216C.391, subdivisions 1, 3; 342.17; 342.37, by adding subdivisions; Laws 2023, chapter 63, article 9, section 5; proposing coding for new law in Minnesota Statutes, chapters 62E; 239.

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

Delete everything after the enacting clause and insert:

ARTICLE 1
COMMERCE FINANCE

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2026" and "2027" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively. "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium" is fiscal years 2026 and 2027. If an appropriation in this act is enacted more than once in the 2025 legislative session or a special session, the appropriation must be given effect only once.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2026</u>	<u>2027</u>

Sec. 2. DEPARTMENT OF COMMERCE

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>41,318,000</u>	<u>\$</u>	<u>41,281,000</u>
<u>Appropriations by Fund</u>				
	<u>2026</u>	<u>2027</u>		
<u>General</u>	<u>38,625,000</u>	<u>38,588,000</u>		

2.1	<u>Workers'</u>		
2.2	<u>Compensation Fund</u>	<u>600,000</u>	<u>600,000</u>
2.3	<u>Special Revenue</u>	<u>2,093,000</u>	<u>2,093,000</u>
2.4	<u>The amounts that may be spent for each</u>		
2.5	<u>purpose are specified in the following</u>		
2.6	<u>subdivisions.</u>		
2.7	<u>Subd. 2. Financial Institutions</u>	<u>2,933,000</u>	<u>2,933,000</u>
2.8	<u>(a) \$400,000 each year is for a grant to Prepare</u>		
2.9	<u>and Prosper to develop, market, evaluate, and</u>		
2.10	<u>distribute a financial services inclusion</u>		
2.11	<u>program that (1) assists low-income and</u>		
2.12	<u>financially underserved populations to build</u>		
2.13	<u>savings and strengthen credit, and (2) provides</u>		
2.14	<u>services to assist low-income and financially</u>		
2.15	<u>underserved populations to become more</u>		
2.16	<u>financially stable and secure. Money</u>		
2.17	<u>remaining after the first year is available for</u>		
2.18	<u>the second year.</u>		
2.19	<u>(b) \$254,000 each year is to administer</u>		
2.20	<u>Minnesota Statutes, chapter 58B.</u>		
2.21	<u>(c) \$441,000 each year is for additional</u>		
2.22	<u>securities unit staffing.</u>		
2.23	<u>Subd. 3. Administrative Services</u>	<u>12,143,000</u>	<u>12,133,000</u>
2.24	<u>(a) \$353,000 each year is for system</u>		
2.25	<u>modernization and cybersecurity upgrades for</u>		
2.26	<u>the unclaimed property program.</u>		
2.27	<u>(b) \$249,000 each year is for the senior safe</u>		
2.28	<u>fraud prevention program.</u>		
2.29	<u>(c) \$500,000 each year is to create and</u>		
2.30	<u>maintain the Prescription Drug Affordability</u>		
2.31	<u>Board established under Minnesota Statutes,</u>		
2.32	<u>section 62J.87.</u>		

3.1 (d) \$12,000 each year is for the intermediate
3.2 blends of gasoline and biofuels report under
3.3 Minnesota Statutes, section 239.791,
3.4 subdivision 8.

3.5 (e) \$657,000 the first year and \$62,000 the
3.6 second year are for the development,
3.7 maintenance, and staff costs of the common
3.8 interest community register under Minnesota
3.9 Statutes, section 515B.5-101.

3.10 (f) \$348,000 each year is for the common
3.11 interest community ombudsperson and related
3.12 staff under Minnesota Statutes, section
3.13 45.0137.

3.14 The base for administrative services is
3.15 \$12,411,000 in each of fiscal years 2028 and
3.16 2029.

3.17	<u>Subd. 4. Enforcement</u>	<u>6,421,000</u>	<u>6,421,000</u>
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3.18 (a) \$225,000 each year is to create and
3.19 maintain the Mental Health Parity and
3.20 Substance Abuse Accountability Office under
3.21 Minnesota Statutes, section 62Q.465.

3.22 (b) \$197,000 each year is to create and
3.23 maintain a student loan advocate position
3.24 under Minnesota Statutes, section 58B.011.

3.25	<u>Subd. 5. Telecommunications</u>	<u>3,235,000</u>	<u>3,235,000</u>
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3.26	<u>Appropriations by Fund</u>		
3.27	<u>General</u>	<u>1,142,000</u>	<u>1,142,000</u>
3.28	<u>Special Revenue</u>	<u>2,093,000</u>	<u>2,093,000</u>

3.29 \$2,093,000 each year is from the
3.30 telecommunications access Minnesota fund
3.31 under Minnesota Statutes, section 237.52,
3.32 subdivision 1, in the special revenue fund for
3.33 the following transfers:

4.1 (1) \$1,620,000 each year is to the
4.2 commissioner of human services to
4.3 supplement the ongoing operational expenses
4.4 of the Commission of Deaf, DeafBlind, and
4.5 Hard-of-Hearing Minnesotans. This transfer
4.6 is subject to Minnesota Statutes, section
4.7 16A.281;

4.8 (2) \$290,000 each year is to the chief
4.9 information officer to coordinate technology
4.10 accessibility and usability;

4.11 (3) \$133,000 each year is to the Legislative
4.12 Coordinating Commission for captioning
4.13 legislative coverage. This transfer is subject
4.14 to Minnesota Statutes, section 16A.281; and

4.15 (4) \$50,000 each year is to the Office of
4.16 MN.IT Services for a consolidated access fund
4.17 to provide grants or services to other state
4.18 agencies related to accessibility of web-based
4.19 services.

4.20	<u>Subd. 6. Insurance</u>	<u>13,689,000</u>	<u>13,483,000</u>
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4.21	<u>Appropriations by Fund</u>		
4.22	<u>General</u>	<u>13,089,000</u>	<u>12,883,000</u>
4.23	<u>Workers'</u>		
4.24	<u>Compensation</u>	<u>600,000</u>	<u>600,000</u>

4.25 (a) \$136,000 each year is to advance
4.26 standardized health plan options.

4.27 (b) \$105,000 each year is to evaluate
4.28 legislation for new mandated health benefits
4.29 under Minnesota Statutes, section 62J.26.

4.30 (c) \$600,000 each year is from the workers'
4.31 compensation fund.

4.32 (d) \$42,000 each year is to ensure health plan
4.33 company compliance with Minnesota Statutes,
4.34 section 62Q.47, paragraph (h).

5.1 (e) \$25,000 each year is to evaluate existing
5.2 statutory health benefit mandates.

5.3	<u>Subd. 7. Weights and Measures Division</u>	<u>2,897,000</u>	<u>3,076,000</u>
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5.4	Sec. 3. <u>OFFICE OF CANNABIS</u>		
5.5	<u>MANAGEMENT</u>	\$ 37,150,000	\$ 40,017,000

5.6 \$15,000,000 each year is for cannabis industry
5.7 community renewal grants under Minnesota
5.8 Statutes, section 342.70. Of this amount, up
5.9 to three percent may be used to pay for
5.10 administrative expenses incurred by the Office
5.11 of Cannabis Management.

5.12 \$1,000,000 each year is for transfer to the
5.13 CanGrow revolving loan account established
5.14 under Minnesota Statutes, section 342.73,
5.15 subdivision 4. Of this amount, up to three
5.16 percent may be used to pay for administrative
5.17 expenses incurred by the Office of Cannabis
5.18 Management.

5.19 The base is \$40,103,000 in each of fiscal years
5.20 2028 and 2029.

5.21 Sec. 4. Laws 2023, chapter 63, article 9, section 5, is amended to read:

5.22	Sec. 5. OFFICE OF CANNABIS			
5.23	MANAGEMENT	\$	21,614,000	\$ 17,953,000

5.24 The base for this appropriation is \$35,587,000
5.25 in fiscal year 2026 and \$38,144,000 in fiscal
5.26 year 2027.

5.27 \$1,000,000 the second year is for cannabis
5.28 industry community renewal grants under
5.29 Minnesota Statutes, section 342.70. Of these
5.30 amounts, up to three percent may be used for
5.31 administrative expenses. The base for this
5.32 appropriation is \$15,000,000 in fiscal year
5.33 2026 and each fiscal year thereafter.

6.1 \$1,000,000 the second year is for cannabis
6.2 industry community renewal grants under
6.3 Minnesota Statutes, section 342.70.
6.4 Notwithstanding Minnesota Statutes, section
6.5 16A.28, this appropriation is available until
6.6 June 30, 2026. Of this amount, up to three
6.7 percent may be used to pay for administrative
6.8 expenses incurred by the Office of Cannabis
6.9 Management. The base for this appropriation
6.10 is \$15,000,000 in fiscal year 2026 and each
6.11 fiscal year thereafter.

6.12 \$1,000,000 each year is for transfer to the
6.13 CanGrow revolving loan account established
6.14 under Minnesota Statutes, section 342.73,
6.15 subdivision 4. Of these amounts, up to three
6.16 percent may be used for administrative
6.17 expenses.

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

6.19 **ARTICLE 2**
6.20 **FINANCIAL INSTITUTIONS POLICY**

6.21 Section 1. Minnesota Statutes 2024, section 45.24, is amended to read:

6.22 **45.24 LICENSE TECHNOLOGY FEES.**

6.23 (a) The commissioner may establish and maintain an electronic licensing database system
6.24 for license origination, renewal, and tracking the completion of continuing education
6.25 requirements by individual licensees who have continuing education requirements, and
6.26 other related purposes.

6.27 (b) The commissioner shall pay for the cost of operating and maintaining the electronic
6.28 database system described in paragraph (a) through a technology surcharge imposed upon
6.29 the fee for license origination and renewal, for individual licenses that require continuing
6.30 education.

6.31 (c) The surcharge permitted under paragraph (b) shall be up to \$40 for each two-year
6.32 licensing period, except as otherwise provided in paragraph (f), and shall be payable at the
6.33 time of license origination and renewal.

(d) The Commerce Department technology account is hereby created as an account in the special revenue fund.

(e) The commissioner shall deposit the surcharge permitted under this section in the account created in paragraph (d), and funds in the account are appropriated to the commissioner in the amounts needed for purposes of this section. The commissioner of management and budget shall transfer an amount determined by the commissioner of commerce from the account to the statewide electronic licensing system account under section 16E.22 for the costs of the statewide licensing system attributable to the inclusion of licenses subject to this section.

(f) The commissioner ~~shall~~ may temporarily reduce or suspend the surcharge as necessary if the balance in the account created in paragraph (d) exceeds \$2,000,000 as of the end of June in any calendar year and shall must annually review the anticipated costs under paragraph (b) to determine the amount to increase or decrease the surcharge ~~as necessary~~ to keep the fund balance at an adequate level but not in excess of \$2,000,000.

Sec. 2. Minnesota Statutes 2024, section 46A.04, is amended to read:

46A.04 EXCEPTIONS AND EXEMPTIONS.

(a) The requirements under section 46A.03, subdivisions 3, paragraph (b); 5, paragraph ~~(a)~~ (b); 9; and 10, do not apply to financial institutions that maintain customer information concerning fewer than 5,000 consumers.

(b) This chapter does not apply to credit unions or federally insured depository institutions.

Sec. 3. Minnesota Statutes 2024, section 47.20, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purposes of this section the terms defined in this subdivision have the meanings given ~~them~~:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional or cooperative apartment loan.

(d) Appraisal and survey of real property securing a conventional loan or real property owned by a cooperative apartment corporation of which a share or shares of stock or a membership certificate or certificates are to secure a cooperative apartment loan.

(e) A single service charge, which includes any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional or cooperative apartment loan, and also includes any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows the commitment. The term service charge does not include forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional or cooperative apartment loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge. A loan that meets the Federal Qualified Mortgage standards in Code of Federal Regulations, title 12, section 1026.43(e)(3), is exempt from the service charge limitations under this section.

(f) Charges and fees necessary for or related to the transfer of real or personal property securing a conventional or cooperative apartment loan or the closing of a conventional or cooperative apartment loan paid by the borrower and received by any party other than the lender.

(2) "Contract for deed" means an executory contract for the conveyance of real estate, the original principal amount of which is less than \$300,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract wherein the seller agrees to finance any part or all of the purchase price by a contract for deed.

(3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than or equal to the conforming loan limit established by the Federal Housing Finance Agency under the Housing

and Recovery Act of 2018, Public Law 110-289, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the Farmers Home Administration, and which is not made pursuant to the authority granted in subdivision 1, clause (3) or (4). The term mortgage does not include contracts for deed or installment land contracts.

(4) "Cooperative apartment loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a security interest on a share or shares of stock or a membership certificate or certificates issued to a stockholder or member by a cooperative apartment corporation, which may be accompanied by an assignment by way of security of the borrower's interest in the proprietary lease or occupancy agreement in property issued by the cooperative apartment corporation and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the Farmers Home Administration.

(5) "Cooperative apartment corporation" means a corporation or cooperative organized under chapter 308A or 317A, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in the corporation or association, to occupy one or more residential units in a building owned or leased by the corporation or association.

(6) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of units to be created out of existing structures pursuant to chapter 515B, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make cooperative apartment loans to two or more credit worthy purchasers, including future purchasers, of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation; provided, that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(7) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees that, if a conventional or cooperative apartment loan is made following issuance of and pursuant to the commitment, the conventional or cooperative apartment loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

(8) "Borrower's loan commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees to make a conventional or cooperative apartment loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional or cooperative apartment loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue the borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(9) "Finance charge" means the total cost of a conventional or cooperative apartment loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional or cooperative apartment loan or against a seller of real property securing a conventional loan or a seller of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation securing a cooperative apartment loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional or cooperative apartment loan. The finance charge, with respect to wraparound mortgages, shall be computed based upon the face amount of the wraparound mortgage note, which face amount shall consist of the aggregate of those funds actually advanced by the wraparound lender and the total outstanding principal balances of the prior note or notes which have been made a part of the wraparound mortgage note.

11.1 (10) "Lender" means any person making a conventional or cooperative apartment loan,
11.2 or any person arranging financing for a conventional or cooperative apartment loan. The
11.3 term also includes the holder or assignee at any time of a conventional or cooperative
11.4 apartment loan.

11.5 (11) "Loan yield" means the annual rate of return obtained by a lender over the term of
11.6 a conventional or cooperative apartment loan and shall be computed as the annual percentage
11.7 rate as computed in accordance with sections 226.5 (b), (c), and (d) of Regulation Z, Code
11.8 of Federal Regulations, title 12, part 226, but using the definition of finance charge provided
11.9 for in this subdivision. For purposes of this section, with respect to wraparound mortgages,
11.10 the rate of interest or loan yield shall be based upon the principal balance set forth in the
11.11 wraparound note and mortgage and shall not include any interest differential or yield
11.12 differential between the stated interest rate on the wraparound mortgage and the stated
11.13 interest rate on the one or more prior mortgages included in the stated loan amount on a
11.14 wraparound note and mortgage.

11.15 (12) "Person" means an individual, corporation, business trust, partnership or association
11.16 or any other legal entity.

11.17 (13) "Residential unit" means any structure used principally for residential purposes or
11.18 any portion thereof, and includes a unit in a common interest community, a nonowner
11.19 occupied residence, and any other type of residence regardless of whether the unit is used
11.20 as a principal residence, secondary residence, vacation residence, or residence of some other
11.21 denomination.

11.22 (14) "Vendor" means any person or persons who agree to sell real estate and finance
11.23 any part or all of the purchase price by a contract for deed. The term also includes the holder
11.24 or assignee at any time of the vendor's interest in a contract for deed.

11.25 Sec. 4. Minnesota Statutes 2024, section 47.20, subdivision 8, is amended to read:

11.26 Subd. 8. **Conventional loan provisions.** (a) A lender making a conventional loan shall
11.27 comply with the following:

11.28 (1) the promissory note and mortgage evidencing a conventional loan shall be printed
11.29 in not less than the equivalent of 8-point type, .075 inch computer type, or elite-size
11.30 typewritten numerals, or shall be legibly handwritten;

11.31 (2) the mortgage evidencing a conventional loan shall contain a provision whereby the
11.32 lender agrees to furnish the borrower with a conformed copy of the promissory note and

12.1 mortgage at the time they are executed or within a reasonable time after recordation of the
 12.2 mortgage; and

12.3 (3) the mortgage evidencing a conventional loan shall contain a provision whereby the
 12.4 lender, if it intends to foreclose, agrees to give the borrower written notice of any default
 12.5 under the terms or conditions of the promissory note or mortgage, by sending the notice by
 12.6 ~~certified~~: (i) first-class mail to the address of the mortgaged property or such other a different
 12.7 address as the borrower may have designated designates in writing to the lender; or (ii)
 12.8 email or other electronic communication, if agreed to by the lender and the borrower in
 12.9 writing. The lender need not give the borrower the notice required by this ~~paragraph~~ clause
 12.10 if the default consists of the borrower selling the mortgaged property without the required
 12.11 consent of the lender.

12.12 (b) The mortgage shall further provide that the notice under paragraph (a), clause (3),
 12.13 shall contain the following provisions:

12.14 ~~(a)~~ (1) the nature of the default by the borrower;

12.15 ~~(b)~~ (2) the action required to cure the default;

12.16 ~~(c)~~ (3) a date, not less than 30 days from the date the notice is mailed by which the
 12.17 default must be cured;

12.18 ~~(d)~~ (4) that failure to cure the default on or before the date specified in the notice may
 12.19 result in acceleration of the sums secured by the mortgage and sale of the mortgaged
 12.20 premises;

12.21 ~~(e)~~ (5) that the borrower has the right to reinstate the mortgage after acceleration; and

12.22 ~~(f)~~ (6) that the borrower has the right to bring a court action to assert the nonexistence
 12.23 of a default or any other defense of the borrower to acceleration and sale.

12.24 Sec. 5. Minnesota Statutes 2024, section 47.77, is amended to read:

12.25 **47.77 TRANSFER OF ACCOUNTS PROHIBITED; NOTICE ON CLOSING.**

12.26 (a) No financial institution shall initiate a transfer of a deposit account to another deposit
 12.27 account bearing different identification information without sending at least 30 days' prior
 12.28 notice to at least one of the deposit account holders at the last known address on file with
 12.29 the financial institution. If the new account is subject to different terms, the financial
 12.30 institution must obtain the written consent of at least one of the deposit account holders
 12.31 before the new terms become effective.

(b) No financial institution shall initiate a closure of a deposit account without first sending at least one of the deposit account holders a notice of intent to close the deposit account. The notice must be sent to the deposit account holder's last known address on file with the financial institution at least 30 days before the financial institution closes the deposit account², except that, if the financial institution has reasonable suspicion to believe that account is being used in connection with a check-related fraud or other crime ~~or that~~², funds will not be available to pay items drawn on the account, or the deposit account holder has engaged in disruptive, hostile, or harassing behavior toward financial institution employees or customers, the notice may be sent the same day as the account is closed.

(c) As used in this section, the following terms have the meanings given them. "Deposit account" means a contract of deposit of funds between a depositor and a financial institution, and includes a checking account, savings account, certificate of deposit share account, and other like arrangement. "Financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings associations, industrial loan and thrift companies, and credit unions.

Sec. 6. Minnesota Statutes 2024, section 53B.61, is amended to read:

53B.61 MAINTENANCE OF PERMISSIBLE INVESTMENTS.

(a) A licensee must maintain at all times permissible investments that have a market value computed in accordance with United States generally accepted accounting principles of not less than the aggregate amount of all of the licensee's outstanding money transmission obligations.

(b) Except for permissible investments enumerated in section 53B.62, ~~paragraph (a)~~² subdivision 1, clause (1), the commissioner may by administrative rule or order, with respect to any licensee, limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment, if the specific investment represents undue risk to customers not reflected in the market value of investments.

(c) Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations in the event of insolvency; the filing of a petition by or against the licensee under the United States Bankruptcy Code, United States Code, title 11, sections 101 to 110, as amended or recodified from time to time, for bankruptcy or reorganization; the filing of a petition by or against the licensee for receivership; the commencement of any

other judicial or administrative proceeding for the licensee's dissolution or reorganization; or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. No permissible investments impressed with a trust pursuant to this paragraph are subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of the statutory trust.

(d) Upon the establishment of a statutory trust in accordance with paragraph (c), or when any funds are drawn on a letter of credit pursuant to section 53B.62, paragraph (a), clause (4), the commissioner must notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice is deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in Minnesota and other states, as defined by a substantially similar statute in the other state. Any statutory trust established under this section terminates upon extinguishment of all of the licensee's outstanding money transmission obligations.

(e) The commissioner may by rule or by order allow other types of investments that the commissioner determines are of sufficient liquidity and quality to be a permissible investment. The commissioner is authorized to participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

Sec. 7. Minnesota Statutes 2024, section 55.07, is amended by adding a subdivision to read:

Subd. 3. **Safe deposit lease; automatic renewal.** A safe deposit lease may renew automatically at the end of the lease's term. A consumer may terminate a safe deposit lease at any time in writing or in any other manner described in the lease.

Sec. 8. Minnesota Statutes 2024, section 58B.02, subdivision 8a, is amended to read:

Subd. 8a. **Lender.** "Lender" means an entity engaged in the business of securing, making, or extending student loans. Lender does not include, to the extent that state regulation is preempted by federal law:

- 15.1 (1) a bank, savings banks, savings and loan association, or credit union;
- 15.2 (2) a wholly owned subsidiary of a bank or credit union;
- 15.3 (3) an operating subsidiary where each owner is wholly owned by the same bank or
- 15.4 credit union;
- 15.5 (4) the United States government, through Title IV of the Higher Education Act of 1965,
- 15.6 as amended, and administered by the United States Department of Education;
- 15.7 (5) an agency, instrumentality, or political subdivision of Minnesota;
- 15.8 (6) a regulated lender organized under chapter 56, except that a regulated lender must
- 15.9 file the annual report required for lenders under section 58B.03, subdivision ~~44~~ 10; or
- 15.10 (7) a person who is not in the business of making student loans and who makes no more
- 15.11 than three student loans, with the person's own funds, during any 12-month period.

15.12 Sec. 9. Minnesota Statutes 2024, section 58B.051, is amended to read:

15.13 **58B.051 REGISTRATION FOR LENDERS.**

15.14 (a) Beginning January 1, 2025, a lender must register with the commissioner as a lender

15.15 before providing services in Minnesota. A lender must not offer or make a student loan to

15.16 a resident of Minnesota without first registering with the commissioner as provided in this

15.17 section.

15.18 (b) A registration application must include:

- 15.19 (1) the lender's name;
- 15.20 (2) the lender's address;
- 15.21 (3) the names of all officers, directors, owners, or other persons in control of an applicant,
- 15.22 as defined in section 58B.02, subdivision 6; and
- 15.23 (4) any other information the commissioner requires ~~by rule~~.

15.24 (c) Registration issued or renewed expires December 31 of each year. A lender must

15.25 renew the lender's registration on an annual basis.

15.26 (d) The commissioner may adopt and enforce:

- 15.27 (1) registration procedures for lenders, which may include using the Nationwide
- 15.28 Multistate Licensing System and Registry;
- 15.29 (2) nonrefundable registration fees for lenders, which may include fees for using the
- 15.30 Nationwide Multistate Licensing System and Registry, to be paid directly by the lender;

(3) procedures and nonrefundable fees to renew a lender's registration, which may include fees for the renewed use of Nationwide Multistate Licensing System and Registry, to be paid directly by the lender; and

(4) alternate registration procedures and nonrefundable fees for postsecondary education institutions that offer student loans.

Sec. 10. Minnesota Statutes 2024, section 60C.09, subdivision 2, is amended to read:

Subd. 2. **Further definition.** In addition to subdivision 1, a covered claim does not include:

(1) claims by an affiliate of the insurer;

(2) claims due a reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries, reinsurance recoveries, contribution, indemnification, or otherwise. This clause does not prevent a person from presenting the excluded claim to the insolvent insurer or its liquidator, but the claims shall not be asserted against another person, including the person to whom the benefits were paid or the insured of the insolvent insurer, except to the extent that the claim is outside the coverage of the policy issued by the insolvent insurer; ~~and~~

(3) any claims, resulting from insolvencies which occur after July 31, 1996, by an insured whose net worth exceeds \$25,000,000 on December 31 of the year prior to the year in which the insurer becomes an insolvent insurer; provided that an insured's net worth on that date shall be deemed to include the aggregate net worth of the insured and all of its subsidiaries and affiliates as calculated on a consolidated basis. The association may request financial information from an insured to determine the insured's net worth under this clause. If an insured fails to provide the requested financial information within 60 days of the date the association submits a request, the insured's net worth is deemed to exceed \$25,000,000 for purposes of the association's evaluation of the claim under section 60C.10. A request by the association to an insured seeking financial information under this clause must inform the insured of the consequences of failing to provide the requested information;

(4) any claims under a policy written by an insolvent insurer with a deductible or self-insured retention of \$300,000 or more, nor that portion of a claim that is within an insured's deductible or self-insured retention; and

(5) claims that are a fine, penalty, interest, or punitive or exemplary damages.

17.1 Sec. 11. Minnesota Statutes 2024, section 62Q.73, subdivision 4, is amended to read:

17.2 Subd. 4. **Contract.** Pursuant to a request for proposal, ~~the commissioner of administration,~~
17.3 ~~in consultation with the commissioners of health and commerce, shall~~ must contract with
17.4 ~~at least three organizations~~ more than one organization or business ~~entities~~ entity to provide
17.5 independent external reviews of all adverse determinations submitted for external review.
17.6 The contract ~~shall~~ must ensure that the fees for services rendered in connection with the
17.7 reviews are reasonable.

17.8 Sec. 12. Minnesota Statutes 2024, section 80A.65, subdivision 2, is amended to read:

17.9 Subd. 2. **Registration application and renewal filing fee.** Every applicant for an initial
17.10 or renewal registration shall pay a filing fee of \$200 in the case of a broker-dealer, \$65 in
17.11 the case of an agent, \$100 in the case of an investment adviser, and \$50 in the case of an
17.12 investment adviser representative. When an application is denied or withdrawn, the filing
17.13 fee shall be retained. A registered agent who has terminated employment with one
17.14 broker-dealer shall, before beginning employment with another broker-dealer, pay a transfer
17.15 fee of ~~\$25~~ \$60.

17.16 Sec. 13. Minnesota Statutes 2024, section 80A.66, is amended to read:

17.17 **80A.66 SECTION 411; POSTREGISTRATION REQUIREMENTS.**

17.18 (a) **Financial requirements.** Subject to Section 15(h) of the Securities Exchange Act
17.19 of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940
17.20 (15 U.S.C. Section 80b-22), a rule adopted or order issued under this chapter may establish
17.21 minimum financial requirements for broker-dealers registered or required to be registered
17.22 under this chapter and investment advisers registered or required to be registered under this
17.23 chapter.

17.24 (b) **Financial reports.** Subject to Section 15(h) of the Securities Exchange Act of 1934
17.25 (15 U.S.C. Section 78o(h)) or Section 222(b) of the Investment Advisers Act of 1940 (15
17.26 U.S.C. Section 80b-22), a broker-dealer registered or required to be registered under this
17.27 chapter and an investment adviser registered or required to be registered under this chapter
17.28 shall file such financial reports as are required by a rule adopted or order issued under this
17.29 chapter. If the information contained in a record filed under this subsection is or becomes
17.30 inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting
17.31 amendment.

(c) **Record keeping.** Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22):

(1) a broker-dealer registered or required to be registered under this chapter and an investment adviser registered or required to be registered under this chapter shall make and maintain the accounts, correspondence, memoranda, papers, books, and other records required by rule adopted or order issued under this chapter;

(2) broker-dealer records required to be maintained under paragraph (1) may be maintained in any form of data storage acceptable under Section 17(a) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78q(a)) if they are readily accessible to the administrator; and

(3) investment adviser records required to be maintained under paragraph (d)(1) may be maintained in any form of data storage required by rule adopted or order issued under this chapter.

(d) Records and reports of private funds.

(1) **In general.** An investment adviser to a private fund shall maintain such records of, and file with the administrator such reports and amendments thereto, that an exempt reporting adviser is required to file with the Securities and Exchange Commission pursuant to SEC Rule 204-4, Code of Federal Regulations, title 17, section 275.204-4.

(2) **Treatment of records.** The records and reports of any private fund to which an investment adviser provides investment advice shall be deemed to be the records and reports of the investment adviser.

(3) **Required information.** The records and reports required to be maintained by an investment adviser, which are subject to inspection by a representative of the administrator at any time, shall include for each private fund advised by the investment adviser, a description of:

(A) the amount of assets under management;

(B) the use of leverage, including off-balance-sheet leverage, as to the assets under management;

(C) counterparty credit risk exposure;

(D) trading and investment positions;

(E) valuation policies and practices of the fund;

19.1 (F) types of assets held;

19.2 (G) side arrangements or side letters, whereby certain investors in a fund obtain more
19.3 favorable rights or entitlements than other investors;

19.4 (H) trading practices; and

19.5 (I) such other information as the administrator determines is necessary and appropriate
19.6 in the public interest and for the protection of investors, which may include the establishment
19.7 of different reporting requirements for different classes of fund advisers, based on the type
19.8 or size of the private fund being advised.

19.9 (4) **Filing of records.** A rule or order under this chapter may require each investment
19.10 adviser to a private fund to file reports containing such information as the administrator
19.11 deems necessary and appropriate in the public interest and for the protection of investors.

19.12 (e) **Audits or inspections.** The records of a broker-dealer registered or required to be
19.13 registered under this chapter and of an investment adviser registered or required to be
19.14 registered under this chapter, including the records of a private fund described in paragraph
19.15 (d) and the records of investment advisers to private funds, are subject to such reasonable
19.16 periodic, special, or other audits or inspections by a representative of the administrator,
19.17 within or without this state, as the administrator considers necessary or appropriate in the
19.18 public interest and for the protection of investors. An audit or inspection may be made at
19.19 any time and without prior notice. The administrator may copy, and remove for audit or
19.20 inspection copies of, all records the administrator reasonably considers necessary or
19.21 appropriate to conduct the audit or inspection. The administrator may assess a reasonable
19.22 charge for conducting an audit or inspection under this subsection.

19.23 (f) **Custody and discretionary authority bond or insurance.** Subject to Section 15(h)
19.24 of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the
19.25 Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), a rule adopted or order issued
19.26 under this chapter may require a broker-dealer or investment adviser that has custody of or
19.27 discretionary authority over funds or securities of a customer or client to obtain insurance
19.28 or post a bond or other satisfactory form of security in an amount of at least \$25,000, but
19.29 not to exceed \$100,000. The administrator may determine the requirements of the insurance,
19.30 bond, or other satisfactory form of security. Insurance or a bond or other satisfactory form
19.31 of security may not be required of a broker-dealer registered under this chapter whose net
19.32 capital exceeds, or of an investment adviser registered under this chapter whose minimum
19.33 financial requirements exceed, the amounts required by rule or order under this chapter.
19.34 The insurance, bond, or other satisfactory form of security must permit an action by a person

20.1 to enforce any liability on the insurance, bond, or other satisfactory form of security if
20.2 instituted within the time limitations in section 80A.76(j)(2).

20.3 (g) **Requirements for custody.** Subject to Section 15(h) of the Securities Exchange Act
20.4 of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940
20.5 (15 U.S.C. Section 80b-22), an agent may not have custody of funds or securities of a
20.6 customer except under the supervision of a broker-dealer and an investment adviser
20.7 representative may not have custody of funds or securities of a client except under the
20.8 supervision of an investment adviser or a federal covered investment adviser. A rule adopted
20.9 or order issued under this chapter may prohibit, limit, or impose conditions on a broker-dealer
20.10 regarding custody of funds or securities of a customer and on an investment adviser regarding
20.11 custody of securities or funds of a client.

20.12 (h) **Investment adviser brochure rule.** With respect to an investment adviser registered
20.13 or required to be registered under this chapter, a rule adopted or order issued under this
20.14 chapter may require that information or other record be furnished or disseminated to clients
20.15 or prospective clients in this state as necessary or appropriate in the public interest and for
20.16 the protection of investors and advisory clients.

20.17 (i) **Continuing education.** A rule adopted or order issued under this chapter may require
20.18 an individual registered under section 80A.57 or 80A.58 to participate in a continuing
20.19 education program approved by the Securities and Exchange Commission and administered
20.20 by a self-regulatory organization, the North American Securities Administrators Association,
20.21 or the commissioner.

20.22 Sec. 14. **APPLICATION OF MINNESOTA STATUTES, SECTION 65A.3025.**

20.23 Minnesota Statutes, section 65A.3025, applies to policies issued or renewed on or after
20.24 August 1, 2024. Minnesota Statutes, section 65A.3025, does not apply to policies issued or
20.25 renewed prior to that date.

20.26 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2024.

20.27 Sec. 15. **CERTAIN COMPLIANCE OPTIONAL.**

20.28 A lender's compliance with Minnesota Statutes, section 47.20, subdivision 8, is optional
20.29 with respect to conventional loan mortgage documents dated between August 1, 2024, and
20.30 July 31, 2025.

20.31 **EFFECTIVE DATE.** This section is effective retroactively from July 31, 2024.

ARTICLE 3**HEALTH INSURANCE**

Section 1. Minnesota Statutes 2024, section 62A.31, subdivision 1r, is amended to read:

Subd. 1r. **Community rate.** (a) Each health maintenance organization, health service plan corporation, insurer, or fraternal benefit society that sells Medicare-related coverage shall establish a separate community rate for that coverage. Beginning January 1, 1993, no Medicare-related coverage may be offered, issued, sold, or renewed to a Minnesota resident, except at the community rate required by this subdivision. The same community rate must apply to newly issued coverage and to renewal coverage.

(b) For coverage that supplements Medicare and for the Part A rate calculation for plans governed by section 1833 of the federal Social Security Act, United States Code, title 42, section 1395, et seq., the community rate may take into account only the following factors:

(1) actuarially valid differences in benefit designs or provider networks;

(2) geographic variations in rates if preapproved by the commissioner of commerce;

~~and~~

(3) premium reductions in recognition of healthy lifestyle behaviors, including but not limited to, refraining from the use of tobacco. Premium reductions must be actuarially valid and must relate only to those healthy lifestyle behaviors that have a proven positive impact on health. Factors used by the health carrier making this premium reduction must be filed with and approved by the commissioner of commerce; and

(4) premium increases in recognition of late enrollment or reenrollment.

(c) The premium increase permitted under paragraph (b), clause (4), must not exceed ten percent for each late enrollment or reenrollment. The increase must only be applied as a flat percentage of premium for an individual who: (1) enrolls in a Medicare supplement policy outside of the individual's initial enrollment period in Medicare Part B; and (2) is not eligible for a guaranteed issue period under subdivision 1u. Each premium increase permitted under paragraph (b), clause (4), may be applied for more than one plan year, including to renewals and reenrollments.

(d) For insureds not residing in Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, or Washington County, a health plan may, at the option of the health carrier, phase in compliance under the following timetable:

~~(+)~~ (1) a premium adjustment as of March 1, 1993, that consists of one-half of the difference between the community rate that would be applicable to the person as of March

1, 1993, and the premium rate that would be applicable to the person as of March 1, 1993, under the rate schedule permitted on December 31, 1992. A health plan may, at the option of the health carrier, implement the entire premium difference described in this clause for any person as of March 1, 1993, if the premium difference would be 15 percent or less of the premium rate that would be applicable to the person as of March 1, 1993, under the rate schedule permitted on December 31, 1992, if the health plan does so uniformly regardless of whether the premium difference causes premiums to rise or to fall. The premium difference described in this clause is in addition to any premium adjustment attributable to medical cost inflation or any other lawful factor and is intended to describe only the premium difference attributable to the transition to the community rate; and

~~(ii)~~ (2) with respect to any person whose premium adjustment was constrained under clause ~~(i)~~ (1), a premium adjustment as of January 1, 1994, that consists of the remaining one-half of the premium difference attributable to the transition to the community rate, as described in clause ~~(i)~~ (1).

(e) A health plan that initially follows the phase-in timetable may at any subsequent time comply on a more rapid timetable. A health plan that is in full compliance as of January 1, 1993, may not use the phase-in timetable and must remain in full compliance. Health plans that follow the phase-in timetable must charge the same premium rate for newly issued coverage that they charge for renewal coverage. A health plan whose premiums are constrained by paragraph (d), clause ~~(i)~~ (1), may take the constraint into account in establishing its community rate.

(f) From January 1, 1993 to February 28, 1993, a health plan may, at the health carrier's option, charge the community rate under this paragraph or may instead charge premiums permitted as of December 31, 1992.

Sec. 2. Minnesota Statutes 2024, section 62A.31, subdivision 1w, is amended to read:

Subd. 1w. **Open enrollment.** A medicare supplement policy or certificate must not be sold or issued to an ~~eligible~~ individual outside of the time periods described in ~~subdivision~~ subdivisions 1h and 1u.

Sec. 3. [62A.481] LIMITED LONG-TERM CARE INSURANCE.

Subdivision 1. Short title. This section may be known and cited as the "Limited Long-Term Care Insurance Act."

23.1 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
23.2 meanings given.

23.3 (b) "Applicant" means:

23.4 (1) in the case of an individual limited long-term care insurance policy, the person who
23.5 seeks to contract for benefits; or

23.6 (2) in the case of a group limited long-term care insurance policy, the proposed certificate
23.7 holder.

23.8 (c) "Certificate" means a certificate issued under a group limited long-term care insurance
23.9 policy that has been delivered or issued for delivery in Minnesota.

23.10 (d) "Commissioner" means the commissioner of commerce.

23.11 (e) "Elimination period" means the length of time between meeting the eligibility for
23.12 benefit payment and receiving benefit payments from an insurer.

23.13 (f) "Group limited long-term care insurance" means a limited long-term care insurance
23.14 policy that is delivered or issued for delivery in Minnesota and issued to:

23.15 (1) one or more employers or labor organizations, a trust or the trustees of a fund
23.16 established by one or more employers, labor organizations, or a combination of employers
23.17 and labor organizations for: (i) employees, former employees, or a combination of employees
23.18 or former employees; or (ii) members, former members, or a combination of members or
23.19 former members of the labor organizations;

23.20 (2) a professional, trade, or occupational association for the association's members,
23.21 former members, retired members, or a combination of members, former members, or retired
23.22 members, if the association:

23.23 (i) is composed of individuals, all of whom are or were actively engaged in the same
23.24 profession, trade, or occupation; and

23.25 (ii) has been maintained in good faith for purposes other than obtaining insurance;

23.26 (3) an association, a trust, or the trustees of a fund established, created, or maintained
23.27 for the benefit of members of one or more associations. Prior to advertising, marketing, or
23.28 offering the policy within Minnesota, the association or associations, or the insurer of the
23.29 association or associations, must file evidence with the commissioner that the association
23.30 or associations have at the outset:

23.31 (i) a minimum of 100 persons;

- 24.1 (ii) been organized and maintained in good faith for purposes other than obtaining
24.2 insurance;
- 24.3 (iii) been in active existence for at least one year; and
- 24.4 (iv) a constitution and bylaws that provide:
- 24.5 (A) the association or associations hold regular meetings not less than annually to further
24.6 purposes of the members;
- 24.7 (B) except for credit unions, the association or associations collect dues or solicit
24.8 contributions from members; and
- 24.9 (C) the members have voting privileges and representation on the governing board and
24.10 committees.
- 24.11 Thirty days after the filing, the association or associations are deemed to satisfy the
24.12 organizational requirements unless the commissioner makes a finding that the association
24.13 or associations do not satisfy the organizational requirements; or
- 24.14 (4) a group other than a group described in clauses (1) to (3), subject to the commissioner
24.15 finding that:
- 24.16 (i) issuing the policy is not contrary to the public interest;
- 24.17 (ii) issuing the policy results in acquisition or administrative economies; and
- 24.18 (iii) the policy's benefits are reasonable in relation to the premiums charged.
- 24.19 (g) "Limited long-term care insurance" means an insurance policy or rider:
- 24.20 (1) issued by: (i) an insurer; (ii) a fraternal benefit society; (iii) a nonprofit health, hospital,
24.21 or medical service corporation; (iv) a prepaid health plan; (v) a health maintenance
24.22 organization; or (vi) a similar organization, to the extent the organization is authorized to
24.23 issue life or health insurance;
- 24.24 (2) advertised, marketed, offered, or designed to provide coverage for less than 12
24.25 consecutive months for each covered person on an expense-incurred, indemnity, prepaid,
24.26 or other basis; and
- 24.27 (3) for one or more necessary or medically necessary diagnostic, preventive, therapeutic,
24.28 rehabilitative, maintenance, or personal care service provided in a setting other than a
24.29 hospital's acute care unit.
- 24.30 Limited long-term care insurance includes a policy or rider that provides for payment of
24.31 benefits based upon cognitive impairment or the loss of functional capacity. Limited

25.1 long-term care insurance does not include an insurance policy that is offered primarily to
25.2 provide basic Medicare supplement coverage, basic hospital expense coverage, basic
25.3 medical-surgical expense coverage, hospital confinement indemnity coverage, major medical
25.4 expense coverage, disability income or related asset-protection coverage, accident-only
25.5 coverage, specified disease or specified accident coverage, or limited benefit health coverage.

25.6 (h) "Policy" means a policy, contract, subscriber agreement, rider, or endorsement
25.7 delivered or issued for delivery in Minnesota by an insurer; fraternal benefit society; nonprofit
25.8 health, hospital, or medical service corporation; prepaid health plan; health maintenance
25.9 organization; or any similar organization.

25.10 (i) "Waiting period" means the time an insured individual must wait before some or all
25.11 of the insured individual's coverage becomes effective.

25.12 Subd. 3. **Scope.** (a) This section applies to policies delivered or issued for delivery in
25.13 Minnesota on or after January 1, 2026. This section does not supersede an obligation that
25.14 an entity subject to this section has to comply with other applicable insurance laws to the
25.15 extent the other insurance laws do not conflict with this section, except that laws and
25.16 regulations designed and intended to apply to Medicare supplement insurance policies must
25.17 not be applied to limited long-term care insurance.

25.18 (b) Notwithstanding any other provision of this section, a product, policy, certificate, or
25.19 rider advertised, marketed, or offered as limited long-term care insurance is subject to this
25.20 section.

25.21 Subd. 4. **Group limited long-term care insurance; extra-territorial jurisdiction.** Group
25.22 limited long-term care insurance coverage must not be offered to a Minnesota resident under
25.23 a group policy issued in another state to a group described in subdivision 2, paragraph (f),
25.24 clause (4), unless Minnesota or another state having statutory and regulatory limited
25.25 long-term care insurance requirements substantially similar to those adopted in Minnesota
25.26 makes a determination that the statutory and regulatory limited long-term care insurance
25.27 requirements have been met.

25.28 Subd. 5. **Limited long-term care insurance; disclosure and performance**
25.29 **standards.** (a) A limited long-term care insurance policy must not:

25.30 (1) cancel, not renew, or otherwise terminate on the basis of the insured individual's or
25.31 certificate holder's age, gender, or deterioration of mental or physical health;

25.32 (2) contain a provision that establishes a new waiting period in the event existing coverage
25.33 is converted to or replaced by a new or other form of coverage within the same company,

26.1 except with respect to an increase in benefits voluntarily selected by the insured individual
26.2 or group policyholder; or

26.3 (3) provide coverage for only skilled nursing care or provide significantly more coverage
26.4 for skilled nursing care in a facility than coverage provided for lower levels of care.

26.5 (b) A limited long-term care insurance policy or certificate issued to a group identified
26.6 in subdivision 2, paragraph (f), clauses (2) to (4), is prohibited from: (1) using a definition
26.7 for preexisting condition that is more restrictive than or excludes a condition for which
26.8 medical advice or treatment was recommended by or received from a health care services
26.9 provider within the six months preceding the date an insured individual's coverage is
26.10 effective; and (2) excluding coverage for a loss or confinement that is the result of a
26.11 preexisting condition unless the loss or confinement begins within six months of the date
26.12 an insured individual's coverage is effective. The commissioner may extend the limitation
26.13 periods established in clauses (1) and (2) with respect to specific age group categories in
26.14 specific policy forms upon a finding that the extension is in the public interest. The definition
26.15 of preexisting condition required under clause (1) does not prohibit an insurer from using
26.16 an application form designed to elicit the complete health history of an applicant and, on
26.17 the basis of the applicant's answers on the application, from underwriting in accordance
26.18 with that insurer's established underwriting standards. Unless otherwise provided in the
26.19 policy or certificate, an insurer is not required to cover a preexisting condition, regardless
26.20 of whether the preexisting condition is disclosed on the application, until the waiting period
26.21 under clause (2) expires. A limited long-term care insurance policy or certificate is prohibited
26.22 from excluding or using waivers or riders of any kind to exclude, limit, or reduce coverage
26.23 or benefits for specifically named or described preexisting diseases or physical conditions
26.24 beyond the waiting period established in clause (2).

26.25 (c) A limited long-term care insurance policy must not be delivered or issued for delivery
26.26 in Minnesota if the policy conditions eligibility: (1) for any benefits, on a prior hospitalization
26.27 requirement; (2) for benefits provided in an institutional care setting, on the receipt of a
26.28 higher level of institutional care; or (3) for any benefits other than waiver of premium,
26.29 post-confinement, post-acute care, or recuperative benefits, on a prior institutionalization
26.30 requirement. A limited long-term care insurance policy, certificate, or rider is prohibited
26.31 from conditioning eligibility for noninstitutional benefits on the prior or continuing receipt
26.32 of skilled care services.

26.33 (d) A limited long-term care insurance applicant has the right to: (1) return the policy,
26.34 certificate, or rider to the company or the company's agent or insurance producer within 30
26.35 days of the date the policy, certificate, or rider is received; and (2) have the premium refunded

27.1 if, after examination of the policy, certificate, or rider, the applicant is not satisfied with the
27.2 policy, certificate, or rider for any reason.

27.3 (e) A limited long-term care insurance policy, certificate, or rider must have a notice
27.4 prominently printed on the first page or attached to the policy, certificate, or rider that
27.5 includes specific instructions for a limited long-term care insurance applicant to return a
27.6 policy, certificate, or rider under paragraph (d). The following statement or a substantially
27.7 similar statement must be included with the instructions:

27.8 "You have 30 days from the date you receive this policy, certificate, or rider to review
27.9 and return it to the company if you decide not to keep it. You do not have to tell the company
27.10 why you are returning it. If you decide to not keep the policy, certificate, or rider, simply
27.11 return it to the company at the company's administrative office, or you may return it to the
27.12 agent or insurance producer that you bought it from. You must return the policy, certificate,
27.13 or rider within 30 days of the date you first received it. The company must refund the full
27.14 amount of any premium paid within 30 days of the date the company receives the returned
27.15 policy, certificate, or rider. The premium refund is sent directly to the person who paid it.
27.16 A returned policy, certificate, or rider is void, as if it never was issued."

27.17 This paragraph does not apply to certificates issued pursuant to a policy issued to a group
27.18 defined in subdivision 2, paragraph (f), clause (1).

27.19 (f) A coverage outline must be delivered to a prospective applicant for limited long-term
27.20 care insurance at the time an initial solicitation is made, using a means that prominently
27.21 directs the recipient's attention to the coverage outline and the coverage outline's purpose.
27.22 The commissioner must prescribe: (1) a standard format, including style, arrangement, and
27.23 overall appearance; and (2) the content that must be contained on a coverage outline. With
27.24 respect to an agent solicitation, the agent must deliver the coverage outline before presenting
27.25 an application or enrollment form. With respect to a direct response solicitation, the coverage
27.26 outline must be provided in conjunction with an application or enrollment form. Delivery
27.27 of a coverage outline is not required for a policy issued to a group defined in subdivision
27.28 2, paragraph (f), clause (1), if the information described in paragraph (g) is contained in
27.29 other materials relating to enrollment. A copy of the other materials must be made available
27.30 to the commissioner upon request.

27.31 (g) The coverage outline provided under paragraph (f) must include:

27.32 (1) a description of the principal benefits and coverage provided in the policy;

27.33 (2) a description of the eligibility triggers for benefits and how the eligibility triggers
27.34 are met;

28.1 (3) a statement identifying the principal exclusions, reductions, and limitations contained
28.2 in the policy;

28.3 (4) a statement describing the terms under which the policy, certificate, or both may be
28.4 continued in force or discontinued, including any reservation in the policy of a right to
28.5 change premium. A continuation or conversion provision for group coverage must be
28.6 specifically described;

28.7 (5) a statement indicating that coverage outline is a summary only and not an insurance
28.8 contract, and that the policy or group master policy contains the governing contractual
28.9 provisions;

28.10 (6) a description of the terms under which the policy or certificate may be returned and
28.11 premium refunded;

28.12 (7) a brief description of the relationship between cost of care and benefits; and

28.13 (8) a statement that discloses to the policyholder or certificate holder that the policy is
28.14 not long-term care insurance.

28.15 (h) A certificate issued pursuant to a group limited long-term care insurance policy that
28.16 is delivered or issued for delivery in Minnesota must include:

28.17 (1) a description of the principal benefits and coverage provided in the policy;

28.18 (2) a statement identifying the principal exclusions, reductions, and limitations contained
28.19 in the policy; and

28.20 (3) a statement indicating that the group master policy determines governing contractual
28.21 provisions.

28.22 (i) If an application for a limited long-term care insurance contract or certificate is
28.23 approved, the issuer must deliver the contract or certificate of insurance to the applicant no
28.24 later than 30 days after the date the application is approved.

28.25 (j) If a claim under a limited long-term care insurance contract is denied, the issuer must,
28.26 within 60 days of the date the policyholder, certificate holder, or a representative of the
28.27 policyholder or certificate holder submits a written request:

28.28 (1) provide a written explanation detailing the reasons for the denial; and

28.29 (2) make available all information directly related to the denial.

28.30 (k) A disclosure, statement, or written information and explanation required in this
28.31 section, whether in print or electronic form, must accommodate the communication needs

of individuals with disabilities and persons with limited English proficiency, as required by law.

Subd. 6. Incontestability period. (a) An insurer may (1) rescind a limited long-term care insurance policy or certificate, or (2) deny an otherwise valid limited long-term care insurance claim, for a policy or certificate that has been in force for less than six months upon a showing of misrepresentation that is material to the coverage acceptance.

(b) An insurer may (1) rescind a limited long-term care insurance policy or certificate, or (2) deny an otherwise valid limited long-term care insurance claim, for a policy or certificate that has been in force for at least six months but less than two years upon a showing of misrepresentation that is both material to the coverage acceptance and that pertains to the condition for which benefits are sought.

(c) A policy or certificate that has been in force for two years is not contestable upon the grounds of misrepresentation alone. A policy or certificate that has been in force for two years may be contested only upon a showing that the insured knowingly and intentionally misrepresented relevant facts relating to the insured individual's health.

(d) A limited long-term care insurance policy or certificate may be field issued if compensation to the field issuer is not based on the number of policies or certificates issued. For purposes of this paragraph, "field issued" means a policy or certificate issued by a producer or a third-party administrator (1) pursuant to the underwriting authority granted to the producer or third-party administrator by an insurer, and (2) using the insurer's underwriting guidelines.

(e) If an insurer paid benefits under the limited long-term care insurance policy or certificate, the benefit payments are not recoverable by the insurer if the policy or certificate is rescinded.

Subd. 7. Nonforfeiture benefits. (a) A limited long-term care insurance policy may offer the option to purchase a policy or certificate that includes a nonforfeiture benefit. A nonforfeiture benefit may be offered in the form of a rider that is attached to the policy. If the policyholder or certificate holder does not purchase the nonforfeiture benefit, the insurer must provide a contingent benefit upon lapse that must be available for a specified period of time after a substantial increase in premium rates, as determined by the commissioner under paragraph (c).

(b) When a group limited long-term care insurance policy is issued, a nonforfeiture benefit offer must be made to the group policyholder. If the policy is issued as group limited long-term care insurance, as defined in subdivision 2, paragraph (f), clause (4), to an entity

30.1 other than a continuing care retirement community or other similar entity, a nonforfeiture
 30.2 benefit offer must be made to each proposed certificate holder.

30.3 Subd. 8. **Severability.** If any provision of this section or the application of the provision
 30.4 to any person or circumstance is held invalid for any reason, the remainder of the section
 30.5 and the application of the invalid provision to other persons or circumstances is not affected.

30.6 Subd. 9. **Penalties.** In addition to any other penalties provided by the laws of Minnesota,
 30.7 an insurer or producer that violates any requirement under this section or other law relating
 30.8 to the regulation of limited long-term care insurance or the marketing of limited long-term
 30.9 care insurance is subject to a fine of up to three times the amount of commissions paid for
 30.10 each policy involved in the violation or up to \$10,000, whichever is greater.

30.11 **EFFECTIVE DATE.** This section is effective January 1, 2026.

30.12 Sec. 4. Minnesota Statutes 2024, section 62A.65, subdivision 1, is amended to read:

30.13 Subdivision 1. **Applicability.** No health carrier, as defined in section 62A.011, shall
 30.14 offer, sell, issue, or renew any individual health plan, as defined in section 62A.011, to a
 30.15 Minnesota resident except in compliance with this section. ~~This section does not apply to~~
 30.16 ~~the Comprehensive Health Association established in section 62E.10.~~

30.17 Sec. 5. Minnesota Statutes 2024, section 62A.65, subdivision 2, is amended to read:

30.18 Subd. 2. **Guaranteed renewal.** (a) No individual health plan may be offered, sold,
 30.19 issued, or renewed to a Minnesota resident unless the health plan provides that the plan is
 30.20 guaranteed renewable at a premium rate that does not take into account the claims experience
 30.21 or any change in the health status of any covered person that occurred after the initial issuance
 30.22 of the health plan to the person. The premium rate upon renewal must also otherwise comply
 30.23 with this section. A health carrier must not refuse to renew an individual health plan, except
 30.24 for nonpayment of premiums, fraud, or intentional misrepresentation of a material fact.

30.25 (b) A health carrier may elect to discontinue health plan coverage of an individual in
 30.26 the individual market only, in one or more of the following situations:

30.27 (1) the health carrier is ceasing to offer individual health plan coverage in the individual
 30.28 market in accordance with sections 62A.65, subdivision 8, and 62E.11, subdivision 9, and
 30.29 federal law;

30.30 (2) for network plans, the individual no longer resides, lives, or works in the service
 30.31 area of the health carrier, or the area for which the health carrier is authorized to do business,

31.1 but only if coverage is terminated uniformly without regard to any health-status-related
31.2 factor of covered individuals; or

31.3 (3) a decision by the health carrier to discontinue offering a particular type of individual
31.4 health plan if it meets the following requirements:

31.5 (i) provides notice in writing to each individual provided coverage of that type of health
31.6 plan at least 90 days before the date the coverage is discontinued;

31.7 (ii) provides notice to the department at least 30 business days before the issuer or health
31.8 carrier provides notice to the individuals under item (i);

31.9 (iii) offers to each covered individual, on a guaranteed issue basis, the option to purchase
31.10 any other individual health plan currently being offered by the health carrier or related health
31.11 carrier for individuals in that market; and

31.12 (iv) acts uniformly without regard to any health status-related factor of covered individuals
31.13 or dependents of covered individuals who may become eligible for coverage.

31.14 Sec. 6. Minnesota Statutes 2024, section 62A.65, is amended by adding a subdivision to
31.15 read:

31.16 Subd. 2a. **Uniform modification of plan.** (a) Only at the time of coverage renewal may
31.17 a health carrier modify the health plan for a product, as defined under Code of Federal
31.18 Regulations, title 45, section 144.103, offered to an individual in the individual market if
31.19 the modification is effective uniformly for all individuals with that product.

31.20 (b) For purposes of paragraph (a), modifications made uniformly and solely pursuant to
31.21 applicable federal or state requirements are considered a uniform modification of coverage
31.22 if:

31.23 (1) the modification is made within a reasonable time period after the imposition or
31.24 modification of the federal or state requirement; and

31.25 (2) the modification is directly related to the imposition or modification of the federal
31.26 or state requirement.

31.27 (c) Other types of modifications made uniformly are considered a uniform modification
31.28 of coverage if the health plan for the product in the individual market meets all of the
31.29 following criteria:

31.30 (1) the product is offered by the same health carrier;

32.1 (2) the product is offered as the same product network type, which includes but is not
32.2 limited to a health maintenance organization, preferred provider organization, exclusive
32.3 provider organization, point of service, or indemnity;

32.4 (3) the product continues to cover at least a majority of the same service area;

32.5 (4) within the product, each health plan has the same cost-sharing structure as before
32.6 the modification, except for any variation in cost sharing solely related to changes in cost
32.7 and utilization of medical care, or to maintain the same metal level, as defined in section
32.8 62K.06, subdivision 4; and

32.9 (5) the product provides the same covered benefits, except for any changes in benefits
32.10 that cumulatively impact the plan-adjusted index rate as defined under Code of Federal
32.11 Regulations, title 45, section 144.103, for any health plan within the product within an
32.12 allowable variation of plus or minus two percentage points, not including changes pursuant
32.13 to applicable federal or state requirements.

32.14 Sec. 7. Minnesota Statutes 2024, section 62D.12, subdivision 2, is amended to read:

32.15 Subd. 2. **Coverage cancellation; nonrenewal.** No health maintenance organization may
32.16 cancel or fail to renew the coverage of an enrollee except for (1) failure to pay the charge
32.17 for health care coverage; (2) termination of the health care plan subject to section 62A.65,
32.18 subdivisions 2 and 2a; (3) termination of the group plan; (4) enrollee moving out of the area
32.19 served, subject to section 62A.17, subdivisions 1 and 6, and section 62D.104; (5) enrollee
32.20 moving out of an eligible group, subject to section 62A.17, subdivisions 1 and 6, and section
32.21 62D.104; (6) failure to ~~make co-payments required by~~ pay premiums as provided by the
32.22 terms of the health care plan, including timeliness requirements; (7) fraud or
32.23 misrepresentation by the enrollee with respect to eligibility for coverage or any other material
32.24 fact; or (8) other reasons established in rules promulgated by the commissioner of health.

32.25 Sec. 8. Minnesota Statutes 2024, section 62D.12, subdivision 2a, is amended to read:

32.26 Subd. 2a. **Cancellation or nonrenewal notice.** Enrollees shall be given 30 days' notice
32.27 of any cancellation or nonrenewal, except that: (1) enrollees in a plan terminated under
32.28 section 62A.65, subdivisions 2, clause (4), and 2a, must receive the 90 days' notice required
32.29 under section 62A.65, subdivision 2a, paragraph (a), clause (2); and (2) enrollees who are
32.30 eligible to receive replacement coverage under section 62D.121, subdivision 1, shall receive
32.31 90 days' notice as provided under section 62D.121, subdivision 5.

33.1 Sec. 9. Minnesota Statutes 2024, section 62D.121, subdivision 1, is amended to read:

33.2 Subdivision 1. **Replacement coverage.** When membership of an enrollee who has
33.3 individual health coverage is terminated by the health maintenance organization for a reason
33.4 other than (a) failure to pay the charge for health care coverage; (b) failure to ~~make~~
33.5 ~~co-payments required by~~ pay premiums as provided by the terms of the health care plan,
33.6 including timeliness requirements; (c) enrollee moving out of the area served; or (d) a
33.7 materially false statement or misrepresentation by the enrollee in the application for
33.8 membership, the health maintenance organization must offer or arrange to offer replacement
33.9 coverage, without evidence of insurability, without preexisting condition exclusions, and
33.10 without interruption of coverage.

33.11 Sec. 10. Minnesota Statutes 2024, section 62J.26, subdivision 1, is amended to read:

33.12 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
33.13 the meanings given unless the context otherwise requires:

33.14 (1) "commissioner" means the commissioner of commerce;

33.15 (2) "enrollee" has the meaning given in section 62Q.01, subdivision 2b;

33.16 (3) "health plan" means a health plan as defined in section 62A.011, subdivision 3, but
33.17 includes coverage listed in clauses (7) and (10) of that definition;

33.18 (4) "mandated health benefit proposal" or "proposal" means a proposal that would
33.19 statutorily require a health plan company to do the following:

33.20 (i) provide coverage or increase the amount of coverage for the treatment of a particular
33.21 disease, condition, or other health care need;

33.22 (ii) provide coverage or increase the amount of coverage of a particular type of health
33.23 care treatment or service or of equipment, supplies, or drugs used in connection with a health
33.24 care treatment or service; or

33.25 (iii) provide coverage for care delivered by a specific type of provider; and

33.26 ~~(iv) require a particular benefit design or impose conditions on cost sharing for:~~

33.27 ~~(A) the treatment of a particular disease, condition, or other health care need;~~

33.28 ~~(B) a particular type of health care treatment or service; or~~

33.29 ~~(C) the provision of medical equipment, supplies, or a prescription drug used in~~
33.30 ~~connection with treating a particular disease, condition, or other health care need; or~~

34.1 ~~(v) impose limits or conditions on a contract between a health plan company and a health~~
 34.2 ~~care provider.~~

34.3 (5) "Minnesota public health care program" means a public health care program
 34.4 administered by the commissioner of human services under chapters 256B and 256L.

34.5 (b) "Mandated health benefit proposal" does not include health benefit proposals:

34.6 (1) amending the scope of practice of a licensed health care professional; ~~or~~

34.7 (2) that make state law consistent with federal law; or

34.8 (3) that apply exclusively to Minnesota public health care programs.

34.9 Sec. 11. Minnesota Statutes 2024, section 62J.26, subdivision 2, is amended to read:

34.10 Subd. 2. **Evaluation process and content.** (a) The commissioner, in consultation with
 34.11 the commissioners of health, human services, and management and budget, must evaluate
 34.12 all mandated health benefit proposals as provided under subdivision 3.

34.13 (b) The purpose of the evaluation is to provide the legislature with a complete and timely
 34.14 analysis of all ramifications of any mandated health benefit proposal. The evaluation must
 34.15 include, in addition to other relevant information, the following to the extent applicable:

34.16 (1) scientific and medical information on the mandated health benefit proposal, on the
 34.17 potential for harm or benefit to the patient, and on the comparative benefit or harm from
 34.18 alternative forms of treatment, and must include the results of at least one professionally
 34.19 accepted and controlled trial comparing the medical consequences of the proposed therapy,
 34.20 alternative therapy, and no therapy;

34.21 (2) public health, economic, and fiscal impacts of the mandated health benefit proposal
 34.22 on persons receiving health services in Minnesota, on persons receiving health services in
 34.23 a Minnesota public health care program, on the relative cost-effectiveness of the proposal,
 34.24 and on the health care system in general;

34.25 (3) the extent to which the treatment, service, equipment, or drug is generally utilized
 34.26 by a significant portion of the population and used in the Minnesota public health care
 34.27 programs;

34.28 (4) the extent to which insurance coverage for the mandated health benefit proposal is
 34.29 already generally available and available in the Minnesota public health care programs;

(5) the extent to which the mandated health benefit proposal, by health plan category, would apply to the benefits offered to the health plan's enrollees and enrollees in the Minnesota public health care programs;

(6) the extent to which the mandated health benefit proposal will increase or decrease the cost of the treatment, service, equipment, or drug;

(7) the extent to which the mandated health benefit proposal may increase enrollee premiums; and

(8) if the proposal applies to a qualified health plan as defined in section 62A.011, subdivision 7, the cost to the state to defray the cost of the mandated health benefit proposal using commercial market reimbursement rates in accordance with Code of Federal Regulations, title 45, section 155.170.

(c) The commissioner shall consider actuarial analysis done by health plan companies and any other proponent or opponent of the mandated health benefit proposal in determining the cost of the proposal.

(d) The commissioner must summarize the nature and quality of available information on these issues, and, if possible, must provide preliminary information to the public. The commissioner may conduct research on these issues or may determine that existing research is sufficient to meet the informational needs of the legislature. The commissioner may seek the assistance and advice of researchers, community leaders, or other persons or organizations with relevant expertise. The commissioner must provide the public with at least 45 days' notice when requesting information pursuant to this section. The commissioner must notify the chief authors of a bill when a request for information is issued.

(e) Information submitted to the commissioner pursuant to this section that meets the definition of trade secret information, as defined in section 13.37, subdivision 1, paragraph (b), is nonpublic data.

(f) The commissioner must publish all evaluations conducted under this section on a publicly available website within 30 days of the evaluation's completion.

Sec. 12. Minnesota Statutes 2024, section 62J.26, subdivision 3, is amended to read:

Subd. 3. **Requirements for evaluation.** (a) No later than August 1 of the year preceding the legislative session in which ~~a~~ an incumbent legislator is planning on introducing a bill containing a mandated health benefit proposal; or is planning on offering an amendment to a bill that adds a mandated health benefit, the prospective author must notify the chair of one of the standing legislative committees that have jurisdiction over the subject matter of

the proposal. No later than 15 days after notification is received, the chair must notify the commissioner that an evaluation of a mandated health benefit proposal is required to be completed in accordance with this section in order to inform the legislature before any action is taken on the proposal by either house of the legislature.

(b) The commissioner must conduct an evaluation described in subdivision 2 of each mandated health benefit proposal for which an evaluation is required under paragraph (a).

(c) If the evaluation of multiple proposals are required, the commissioner must consult with the chairs of the standing legislative committees having jurisdiction over the subject matter of the mandated health benefit proposals to prioritize the evaluations and establish a reporting date for each proposal to be evaluated.

(d) By December 31 of the year in which a mandated health benefit proposal, for which an evaluation described in subdivision 2 has not been conducted, is enacted, the commissioner must conduct an evaluation described in subdivision 2. The evaluation required by this paragraph applies to mandated health benefit proposals:

(1) introduced or offered by a legislator who was not seated by the deadline for notification under paragraph (a);

(2) enacted without conformity to paragraph (a); or

(3) for which an evaluation was required under paragraph (b) but was not conducted.

Sec. 13. Minnesota Statutes 2024, section 62J.26, is amended by adding a subdivision to read:

Subd. 6. **Conformity.** A mandated health benefit proposal enacted into law is effective whether or not it is in conformity with this section.

Sec. 14. Minnesota Statutes 2024, section 62J.26, is amended by adding a subdivision to read:

Subd. 7. **Adoption of forms.** (a) The commissioner of commerce must adopt forms, by July 1, 2026, for the following:

(1) an incumbent legislator to notify the chair of the mandated health benefit proposal under subdivision 3, paragraph (a); and

(2) the chair to notify the commissioner of the mandated health benefit proposal under subdivision 3, paragraph (a).

(b) The forms adopted under this subdivision must include all information needed from the legislator introducing or offering the mandated health benefit proposal for the commissioner to conduct the required evaluation.

ARTICLE 4

GENERAL INSURANCE

Section 1. Minnesota Statutes 2024, section 45.027, subdivision 1, is amended to read:

Subdivision 1. **General powers.** (a) In connection with the duties and responsibilities entrusted to the commissioner, and Laws 1993, chapter 361, section 2, the commissioner of commerce may:

(1) make public or private investigations within or without this state as the commissioner considers necessary to determine whether any person has violated or is about to violate any law, rule, or order related to the duties and responsibilities entrusted to the commissioner;

(2) require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning the matter being investigated;

(3) hold hearings, upon reasonable notice, in respect to any matter arising out of the duties and responsibilities entrusted to the commissioner;

(4) conduct investigations and hold hearings for the purpose of compiling information related to the duties and responsibilities entrusted to the commissioner;

(5) examine the books, accounts, records, and files of every licensee, and of every person who is engaged in any activity regulated; the commissioner or a designated representative shall have free access during normal business hours to the offices and places of business of the person, and to all books, accounts, papers, records, files, safes, and vaults maintained in the place of business;

(6) publish information which is contained in any order issued by the commissioner;

(7) require any person subject to duties and responsibilities entrusted to the commissioner, to report all sales or transactions that are regulated. The reports must be made within ten days after the commissioner has ordered the report. The report is accessible only to the respondent and other governmental agencies unless otherwise ordered by a court of competent jurisdiction; ~~and~~

(8) assess a natural person or entity subject to the jurisdiction of the commissioner the necessary expenses of the investigation performed by the department when an investigation

is made by order of the commissioner. The cost of the investigation shall be determined by the commissioner and is based on the salary cost of investigators or assistants and at an average rate per day or fraction thereof so as to provide for the total cost of the investigation. All money collected must be deposited into the general fund. A natural person or entity licensed under chapter 60K, 82, or 82B shall not be charged costs of an investigation if the investigation results in no finding of a violation. This clause does not apply to a natural person or entity already subject to the assessment provisions of sections 60A.03 and 60A.031; and

(9) issue data calls.

(b) For purposes of this section, "data call" means a written request from the commissioner to two or more companies or persons subject to the commissioner's jurisdiction to provide data or other information within a reasonable time period for a targeted regulatory oversight purpose. A data call is not market analysis, as defined under section 60A.031, subdivision 4, paragraph (f), and is not subject to section 60A.033.

Sec. 2. Minnesota Statutes 2024, section 45.027, is amended by adding a subdivision to read:

Subd. 1b. **Data calls.** (a) Information provided in response to a data call issued by the commissioner or the commissioner's authorized representative: (1) must be treated as nonpublic data, as defined under section 13.02, subdivision 9; and (2) is not subject to subpoena. The commissioner may create and make public summary data derived from data classified as nonpublic under this paragraph.

(b) The commissioner may grant access to data submitted by insurers in response to a data call issued by the commissioner or the commissioner's authorized representative to the National Association of Insurance Commissioners (NAIC) if NAIC agrees in writing to hold the data as nonpublic data.

Sec. 3. Minnesota Statutes 2024, section 45.027, subdivision 2, is amended to read:

Subd. 2. Power to compel production of evidence. For the purpose of any investigation, hearing, proceeding, or inquiry related to the duties and responsibilities entrusted to the commissioner, the commissioner or a designated representative may issue data calls, administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner considers relevant or material to the inquiry.

A subpoena issued pursuant to this subdivision must state that the person to whom the subpoena is directed may not disclose the fact that the subpoena was issued or the fact that the requested records have been given to law enforcement personnel except:

(1) insofar as the disclosure is necessary to find and disclose the records; or

(2) pursuant to court order.

Sec. 4. Minnesota Statutes 2024, section 47.20, subdivision 4a, is amended to read:

Subd. 4a. **Maximum interest rate.** (a) No conventional or cooperative apartment loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate in an amount equal to the ~~Federal National Mortgage Association posted yields on 30-year mortgage commitments for delivery within 60 days on standard conventional fixed-rate mortgages published in the Wall Street Journal for the last business day of the second preceding month~~ average prime offer rate, as defined in Code of Federal Regulations, title 12, part 1026.35(a)(2), that applies to a comparable transaction, as most recently published by the United States Consumer Financial Protection Bureau on the last date the discounted interest rate for the transaction is set before consummation, plus four percentage points. If the index is not available, a substitute index may be adopted by a commissioner order.

(b) The maximum lawful interest rate applicable to a cooperative apartment loan or contract for deed at the time the loan or contract is made is the maximum lawful interest rate for the term of the cooperative apartment loan or contract for deed. Notwithstanding the provisions of section 334.01, a cooperative apartment loan or contract for deed may provide, at the time the loan or contract is made, for the application of specified different consecutive periodic interest rates to the unpaid principal balance, if no interest rate exceeds the maximum lawful interest rate applicable to the loan or contract at the time the loan or contract is made.

(c) The maximum interest rate that can be charged on a conventional loan or a contract for deed, with a duration of ten years or less, for the purchase of real estate described in section 83.20, subdivisions 11 and 13, is three percentage points above the rate permitted under paragraph (a) or 15.75 percent per year, whichever is less. ~~This paragraph is effective August 1, 1992.~~

(d) Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional or cooperative apartment loans made pursuant to a borrower's interest rate commitment or made pursuant to a borrower's loan commitment, or made pursuant to a

commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional or cooperative apartment loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of: (1) an existing conventional or cooperative apartment loan, (2) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the Farmers Home Administration, or (3) a contract for deed by making a conventional or cooperative apartment loan is deemed to be a new conventional or cooperative apartment loan for purposes of determining the maximum lawful rate of interest under this subdivision. The renegotiation of a conventional or cooperative apartment loan or a contract for deed is deemed to be a new loan or contract for deed for purposes of paragraph (b) and for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or the vendor's authorized agent.

(e) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

Sec. 5. Minnesota Statutes 2024, section 60A.201, subdivision 2, is amended to read:

Subd. 2. **Availability of other coverage; presumption.** There shall be a rebuttable presumption that the following coverages are available from a licensed insurer:

41.1 ~~(a) (1)~~ all mandatory automobile insurance coverages required by chapter 65B;

41.2 ~~(b) (2)~~ private passenger automobile physical damage coverage;

41.3 ~~(c) (3)~~ homeowners and property insurance on owner-occupied dwellings whose value
41.4 is less than \$500,000. ~~This figure shall be changed annually by the commissioner by the~~
41.5 ~~same percentage as the Consumer Price Index for the Minneapolis-St. Paul Metropolitan~~
41.6 ~~Area is changed;~~

41.7 ~~(d) (4)~~ any coverage readily available from three or more licensed insurers unless the
41.8 licensed insurers quote a premium and terms not competitive with a premium and terms
41.9 quoted by an eligible surplus lines insurer; and

41.10 ~~(e) (5)~~ workers' compensation insurance, except excess workers' compensation insurance
41.11 which is not available from the Workers' Compensation Reinsurance Association.

41.12 Sec. 6. Minnesota Statutes 2024, section 60A.201, is amended by adding a subdivision to
41.13 read:

41.14 Subd. 7. **FAIR plan coverage; notice.** If the insurance placed by the surplus lines broker
41.15 with a nonadmitted insurer is homeowners or property insurance on an owner-occupied
41.16 dwelling, the broker must print, type, or stamp in not less than ten-point type on the face of
41.17 the policy the following notice: "YOU MAY BE ELIGIBLE FOR COVERAGE THROUGH
41.18 THE MINNESOTA FAIR PLAN, WHICH MAKES AVAILABLE PROPERTY AND
41.19 LIABILITY COVERAGE, AS DEFINED BY THE MINNESOTA FAIR PLAN ACT, TO
41.20 QUALIFIED APPLICANTS WHO HAVE BEEN UNABLE TO SECURE PROPERTY
41.21 AND LIABILITY INSURANCE THROUGH THE NORMAL INSURANCE MARKETS."
41.22 The notice under this subdivision must not be covered or concealed in any manner, and is
41.23 in addition to the notice required under section 60A.207 or 60A.209.

41.24 Sec. 7. Minnesota Statutes 2024, section 60D.09, is amended by adding a subdivision to
41.25 read:

41.26 Subd. 5. **Other violations.** If the commissioner believes a person has committed a
41.27 violation of section 60D.17 that prevents the full understanding of the enterprise risk to the
41.28 insurer by affiliates or by the insurance holding company system, the violation may serve
41.29 as an independent basis for disapproving dividends or distributions and for placing the
41.30 insurer under an order of supervision under chapter 60B.

42.1 Sec. 8. Minnesota Statutes 2024, section 60D.15, subdivision 4, is amended to read:

42.2 Subd. 4. **Control.** The term "control," including the terms "controlling," "controlled
42.3 by," and "under common control with," means the possession, direct or indirect, of the
42.4 power to direct or cause the direction of the management and policies of a person, whether
42.5 through the ownership of voting securities, by contract other than a commercial contract
42.6 for goods or nonmanagement services, or otherwise, unless the power is the result of an
42.7 official position with, or corporate office held by, ~~or court appointment of,~~ the person.
42.8 Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with
42.9 the power to vote, or holds proxies representing, ten percent or more of the voting securities
42.10 of any other person. This presumption may be rebutted by a showing made in the manner
42.11 provided by section 60D.19, subdivision 11, that control does not exist in fact. The
42.12 commissioner may determine, after furnishing all persons in interest notice and opportunity
42.13 to be heard and making specific findings of fact to support ~~such~~ the determination, that
42.14 control exists in fact, notwithstanding the absence of a presumption to that effect.

42.15 Sec. 9. Minnesota Statutes 2024, section 60D.15, is amended by adding a subdivision to
42.16 read:

42.17 Subd. 4c. **Group capital calculation instructions.** "Group capital calculation
42.18 instructions" means the group capital calculation instructions adopted by the NAIC and as
42.19 amended by the NAIC from time to time in accordance with procedures adopted by the
42.20 NAIC.

42.21 Sec. 10. Minnesota Statutes 2024, section 60D.15, is amended by adding a subdivision to
42.22 read:

42.23 Subd. 6b. **NAIC.** "NAIC" means the National Association of Insurance Commissioners.

42.24 Sec. 11. Minnesota Statutes 2024, section 60D.15, is amended by adding a subdivision to
42.25 read:

42.26 Subd. 6c. **NAIC liquidity stress test framework.** "NAIC liquidity stress test framework"
42.27 means a NAIC publication which includes a history of the NAIC's development of regulatory
42.28 liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity
42.29 stress test instructions and reporting templates for a specific data year, scope criteria,
42.30 instructions, and reporting template being adopted by the NAIC, and as amended by the
42.31 NAIC from time to time in accordance with the procedures adopted by the NAIC.

43.1 Sec. 12. Minnesota Statutes 2024, section 60D.15, subdivision 7, is amended to read:

43.2 Subd. 7. **Person.** A "person" is an individual, a corporation, a limited liability company,
43.3 a partnership, an association, a joint stock company, a trust, an unincorporated organization,
43.4 any similar entity or any combination of the foregoing acting in concert, but does not include
43.5 any joint venture partnership exclusively engaged in owning, managing, leasing, or
43.6 developing real or tangible personal property.

43.7 Sec. 13. Minnesota Statutes 2024, section 60D.15, is amended by adding a subdivision to
43.8 read:

43.9 Subd. 7a. **Scope criteria.** "Scope criteria," as detailed in the NAIC liquidity stress test
43.10 framework, means the designated exposure bases along with minimum magnitudes of the
43.11 designated exposure bases for the specified data year that are used to establish a preliminary
43.12 list of insurers considered scoped into the NAIC liquidity stress test framework for that data
43.13 year.

43.14 Sec. 14. Minnesota Statutes 2024, section 60D.16, subdivision 2, is amended to read:

43.15 Subd. 2. **Additional investment authority.** In addition to investments in common stock,
43.16 preferred stock, debt obligations, and other securities otherwise permitted under this chapter,
43.17 a domestic insurer may also:

43.18 (a) Invest, in common stock, preferred stock, debt obligations, and other securities of
43.19 one or more subsidiaries, amounts that do not exceed the lesser of ten percent of the insurer's
43.20 assets or 50 percent of the insurer's surplus as regards policyholders, provided that after the
43.21 investments, the insurer's surplus as regards policyholders ~~will be~~ is reasonable in relation
43.22 to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the
43.23 amount of these investments, investments in domestic or foreign insurance subsidiaries and
43.24 health maintenance organizations must be excluded, and there must be included:

43.25 (1) total net money or other consideration expended and obligations assumed in the
43.26 acquisition or formation of a subsidiary, including all organizational expenses and
43.27 contributions to capital and surplus of the subsidiary whether or not represented by the
43.28 purchase of capital stock or issuance of other securities; and

43.29 (2) all amounts expended in acquiring additional common stock, preferred stock, debt
43.30 obligations, and other securities; and all contributions to the capital or surplus, of a subsidiary
43.31 subsequent to its acquisition or formation.

(b) Invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer provided that the subsidiary agrees to limit its investments in any asset so that the investments ~~will~~ do not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in paragraph (a) or other statutes applicable to the insurer. For the purpose of this paragraph, "the total investment of the insurer" includes:

(1) any direct investment by the insurer in an asset; and

(2) the insurer's proportionate share of any investment in an asset by any subsidiary of the insurer, which must be calculated by multiplying the amount of the subsidiary's investment by the percentage of the ownership of the subsidiary.

(c) With the approval of the commissioner, invest any greater amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, if after the investment the insurer's surplus as regards policyholders ~~will be~~ is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

Sec. 15. Minnesota Statutes 2024, section 60D.17, subdivision 1, is amended to read:

Subdivision 1. **Filing requirements.** (a) No person other than the issuer shall: (1) make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities ~~or for~~ for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, the person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of the insurer; or (2) enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or any person controlling a domestic insurer unless, at the time the offer, request, or invitation is made or the agreement is entered into, or before the acquisition of the securities if no offer or agreement is involved, the person has filed with the commissioner and has sent to the insurer, a statement containing the information required by this section and the offer, request, invitation, agreement, or acquisition has been approved by the commissioner in the manner prescribed in this section.

(b) For purposes of this section, a controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the commissioner, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days before the cessation of control. The commissioner shall determine those instances in which the party or parties seeking to divest or to acquire a controlling interest in an insurer will be required to file for and obtain approval of the transaction. The

information must remain confidential until the conclusion of the transaction unless the commissioner, in the commissioner's discretion, determines that confidential treatment interferes with the enforcement of this section. This paragraph does not apply if the statement referred to in paragraph (a) is otherwise filed.

(c) With respect to a transaction subject to this section, the acquiring person must also file a preacquisition notification with the commissioner, which must contain the information set forth in section 60D.18, subdivision 3, paragraph (b). A failure to file the notification may be subject to penalties specified in section 60D.18, subdivision 5.

(d) For purposes of this section, a domestic insurer includes a person controlling a domestic insurer unless the person, as determined by the commissioner, is either directly or through its affiliates primarily engaged in business other than the business of insurance. For the purposes of this section, "person" does not include any securities broker holding, in the usual and customary ~~brokers~~ broker's function, less than 20 percent of the voting securities of an insurance company or of any person that controls an insurance company.

~~(e) The statement filed with the commissioner pursuant to subdivisions 1 and 2 must remain confidential until the transaction is approved by the commissioner, except that all attachments filed with the statement remain confidential after the approval unless the commissioner, in the commissioner's discretion, determines that confidential treatment of any of this information will interfere with enforcement of this section.~~

Sec. 16. Minnesota Statutes 2024, section 60D.18, subdivision 3, is amended to read:

Subd. 3. **Preacquisition notification; waiting period.** (a) An acquisition covered by subdivision 2 may be subject to an order pursuant to subdivision ~~4~~ 5 unless the acquiring person files a preacquisition notification and the waiting period has expired. The acquired person may file a preacquisition notification. The commissioner shall give confidential treatment to information submitted under this section in the same manner as provided in section 60D.22.

(b) The preacquisition notification must be in the form and contain the information as prescribed by the National Association of Insurance Commissioners relating to those markets that, under subdivision 2, paragraph (b), clause ~~(5)~~ (4), cause the acquisition not to be exempted from the provisions of this section. The commissioner may require ~~the~~ additional material and information as the commissioner deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subdivision 4. The required information may include an opinion of an economist as to the competitive

46.1 impact of the acquisition in this state accompanied by a summary of the education and
46.2 experience of the person indicating that person's ability to render an informed opinion.

46.3 (c) The waiting period required begins on the date of receipt of the commissioner of a
46.4 preacquisition notification and ends on the earlier of the 30th day after the date of its receipt,
46.5 or termination of the waiting period by the commissioner. Before the end of the waiting
46.6 period, the commissioner on a onetime basis may require the submission of additional
46.7 needed information relevant to the proposed acquisition, in which event the waiting period
46.8 shall end on the earlier of the 30th day after receipt of the additional information by the
46.9 commissioner or termination of the waiting period by the commissioner.

46.10 Sec. 17. Minnesota Statutes 2024, section 60D.19, subdivision 4, is amended to read:

46.11 Subd. 4. **Materiality.** No information need be disclosed on the registration statement
46.12 filed pursuant to subdivision 2 if the information is not material for the purposes of this
46.13 section. Unless the commissioner by rule or order provides otherwise; sales, purchases,
46.14 exchanges, loans or extensions of credit, investments, or guarantees involving one-half of
46.15 one percent or less of an insurer's admitted assets as of the 31st day of December next
46.16 preceding shall not be deemed material for purposes of this section. The definition of
46.17 materiality provided in this subdivision does not apply for purposes of the group capital
46.18 calculation or the NAIC liquidity stress test framework.

46.19 Sec. 18. Minnesota Statutes 2024, section 60D.19, is amended by adding a subdivision to
46.20 read:

46.21 Subd. 11b. **Group capital calculation.** (a) Except as otherwise provided in this paragraph,
46.22 the ultimate controlling person of every insurer subject to registration must concurrently
46.23 file with the registration an annual group capital calculation as directed by the lead state
46.24 insurance commissioner. The report must be completed in accordance with the NAIC group
46.25 capital calculation instructions, which may permit the lead state insurance commissioner
46.26 to allow a controlling person that is not the ultimate controlling person to file the group
46.27 capital calculation. The report must be filed with the lead state insurance commissioner of
46.28 the insurance holding company system, as determined by the commissioner in accordance
46.29 with the procedures within the Financial Analysis Handbook adopted by the NAIC. The
46.30 following insurance holding company systems are exempt from filing the group capital
46.31 calculation:

46.32 (1) an insurance holding company system that (i) has only one insurer within the insurance
46.33 holding company system's holding company structure, (ii) only writes business and is only

47.1 licensed in the insurance holding company system's domestic state, and (iii) assumes no
47.2 business from any other insurer;

47.3 (2) an insurance holding company system that is required to perform a group capital
47.4 calculation specified by the United States Federal Reserve Board. The lead state insurance
47.5 commissioner must request the calculation from the Federal Reserve Board under the terms
47.6 of information sharing agreements in effect. If the Federal Reserve Board is unable to share
47.7 the calculation with the lead state insurance commissioner, the insurance holding company
47.8 system is not exempt from the group capital calculation filing;

47.9 (3) an insurance holding company system whose non-United States groupwide supervisor
47.10 is located within a reciprocal jurisdiction as described in section 60A.092, subdivision 10b,
47.11 that recognizes the United States state regulatory approach to group supervision and group
47.12 capital; or

47.13 (4) an insurance holding company system:

47.14 (i) that provides information to the lead state insurance commissioner that meets the
47.15 requirements for accreditation under the NAIC financial standards and accreditation program,
47.16 either directly or indirectly through the groupwide supervisor, that has determined the
47.17 information is satisfactory to allow the lead state insurance commissioner to comply with
47.18 the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook;
47.19 and

47.20 (ii) whose non-United States groupwide supervisor that is not in a reciprocal jurisdiction
47.21 recognizes and accepts, as specified by the commissioner in an administrative rule, the
47.22 group capital calculation as the worldwide group capital assessment for United States
47.23 insurance groups that operate in that jurisdiction.

47.24 (b) Notwithstanding paragraph (a), clauses (3) and (4), a lead state insurance
47.25 commissioner must require the group capital calculation for the United States operations
47.26 of any non-United States based insurance holding company system where, after any necessary
47.27 consultation with other supervisors or officials, requiring the group capital calculation is
47.28 deemed appropriate by the lead state insurance commissioner for prudential oversight and
47.29 solvency monitoring purposes or for ensuring the competitiveness of the insurance
47.30 marketplace.

47.31 (c) Notwithstanding the exemptions from filing the group capital calculation under
47.32 paragraph (a), the lead state insurance commissioner may exempt the ultimate controlling
47.33 person from filing the annual group capital calculation or accept a limited group capital

48.1 filing or report in accordance with criteria specified by the commissioner in an administrative
48.2 rule.

48.3 (d) If the lead state insurance commissioner determines that an insurance holding company
48.4 system no longer meets one or more of the requirements for an exemption from filing the
48.5 group capital calculation under this subdivision, the insurance holding company system
48.6 must file the group capital calculation at the next annual filing date unless given an extension
48.7 by the lead state insurance commissioner based on reasonable grounds shown.

48.8 Sec. 19. Minnesota Statutes 2024, section 60D.19, is amended by adding a subdivision to
48.9 read:

48.10 Subd. 11c. **Liquidity stress test.** (a) The ultimate controlling person of every insurer
48.11 subject to registration and also scoped into the NAIC liquidity stress test framework must
48.12 file the results of a specific year's liquidity stress test. The filing must be made to the lead
48.13 state insurance commissioner of the insurance holding company system, as determined by
48.14 the procedures within the Financial Analysis Handbook adopted by the NAIC.

48.15 (b) The NAIC liquidity stress test framework includes scope criteria applicable to a
48.16 specific data year. The scope criteria must be reviewed at least annually by the NAIC
48.17 Financial Stability Task Force or the NAIC Financial Stability Task Force's successor. Any
48.18 change made to the NAIC liquidity stress test framework or to the data year for which the
48.19 scope criteria must be measured is effective January 1 of the year following the calendar
48.20 year in which the change is adopted. An insurer meeting at least one threshold of the scope
48.21 criteria is scoped into the NAIC liquidity stress test framework for the specified data year
48.22 unless the lead state insurance commissioner, in consultation with the NAIC Financial
48.23 Stability Task Force or the NAIC Financial Stability Task Force's successor, determines
48.24 the insurer should not be scoped into the framework for that data year. An insurer that does
48.25 not trigger at least one threshold of the scope criteria is scoped out of the NAIC liquidity
48.26 stress test framework for the specified data year unless the lead state insurance commissioner,
48.27 in consultation with the NAIC Financial Stability Task Force or the NAIC Financial Stability
48.28 Task Force's successor, determines the insurer should be scoped into the framework for the
48.29 specified data year.

48.30 (c) The commissioner and other state insurance commissioners must avoid scoping
48.31 insurers in and out of the NAIC liquidity stress test framework on a frequent basis. The lead
48.32 state insurance commissioner, in consultation with the NAIC Financial Stability Task Force
48.33 or the NAIC Financial Stability Task Force's successor, must assess irregular scope status
48.34 as part of an insurer's determination.

(d) The performance of and filing of the results from a specific year's liquidity stress test must comply with (1) the NAIC liquidity stress test framework's instructions and reporting templates for the specific year, and (2) any lead state insurance commissioner determinations, in consultation with the NAIC Financial Stability Task Force or the NAIC Financial Stability Task Force's successor, provided within the framework.

Sec. 20. **[60D.195] GROUP CAPITAL CALCULATION.**

Subdivision 1. Annual group capital calculation; exemption permitted. The lead state insurance commissioner may exempt the ultimate controlling person from filing the annual group capital calculation if the lead state insurance commissioner makes a determination that the insurance holding company system meets the following criteria:

(1) has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000;

(2) has no insurers within the insurance holding company's structure that are domiciled outside of the United States or a United States territory;

(3) has no banking, depository, or other financial entity that is subject to an identified regulatory capital framework within the insurance holding company's structure;

(4) attests that no material changes in the transactions between insurers and noninsurers in the group have occurred since the last annual group capital filing; and

(5) the noninsurers within the holding company system do not pose a material financial risk to the insurer's ability to honor policyholder obligations.

Subd. 2. Limited group capital filing. The lead state insurance commissioner may accept a limited group capital filing in lieu of the group capital calculation if:

(1) the insurance holding company system has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000; and

(2) the insurance holding company system:

(i) has no insurers within the insurance holding company's structure that are domiciled outside of the United States or a United States territory;

(ii) does not include a banking, depository, or other financial entity that is subject to an identified regulatory capital framework; and

(iii) attests that no material changes in transactions between insurers and noninsurers in the group have occurred and the noninsurers within the holding company system do not pose a material financial risk to the insurer's ability to honor policyholder obligations.

Subd. 3. **Previous exemption; required filing.** For an insurance holding company that has previously met an exemption with respect to the group capital calculation under subdivision 1 or 2, the lead state insurance commissioner may at any time require the ultimate controlling person to file an annual group capital calculation, completed in accordance with the NAIC group capital calculation instructions, if:

(1) an insurer within the insurance holding company system is in a risk-based capital action level event under section 60A.62 or a similar standard for a non-United States insurer;

(2) an insurer within the insurance holding company system meets one or more of the standards of an insurer deemed to be in hazardous financial condition, as defined under section 60E.02, subdivision 5; or

(3) an insurer within the insurance holding company system otherwise exhibits qualities of a troubled insurer, as determined by the lead state insurance commissioner based on unique circumstances, including but not limited to the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.

Subd. 4. **Non-United States jurisdictions; recognition and acceptance.** A non-United States jurisdiction is deemed to recognize and accept the group capital calculation if the non-United States jurisdiction:

(1) with respect to section 60D.19, subdivision 11b, paragraph (a), clause (4):

(i) recognizes the United States state regulatory approach to group supervision and group capital by providing confirmation by a competent regulatory authority in the non-United States jurisdiction that insurers and insurance groups whose lead state is accredited by the NAIC under the NAIC accreditation program: (A) are subject only to worldwide prudential insurance group supervision, including worldwide group governance, solvency and capital, and reporting, as applicable, by the lead state; and (B) are not subject to group supervision, including worldwide group governance, solvency and capital, and reporting, at the level of the worldwide parent undertaking of the insurance or reinsurance group by the non-United States jurisdiction; or

(ii) if no United States insurance group operates in the non-United States jurisdiction, indicates formally in writing to the lead state with a copy to the International Association

51.1 of Insurance Supervisors that the group capital calculation is an acceptable international
51.2 capital standard. The formal indication under this item serves as the documentation otherwise
51.3 required under item (i); and

51.4 (2) provides confirmation by a competent regulatory authority in the non-United States
51.5 jurisdiction that information regarding an insurer and the insurer's parent, subsidiary, or
51.6 affiliated entities, if applicable, must be provided to the lead state insurance commissioner
51.7 in accordance with a memorandum of understanding or similar document between the
51.8 commissioner and the non-United States jurisdiction, including but not limited to the
51.9 International Association of Insurance Supervisors Multilateral Memorandum of
51.10 Understanding or other multilateral memoranda of understanding coordinated by the NAIC.
51.11 The commissioner must determine, in consultation with the NAIC committee process, if
51.12 the information sharing agreement requirements are effective.

51.13 Subd. 5. **Non-United States jurisdiction; publication.** (a) A list of non-United States
51.14 jurisdictions that recognize and accept the group capital calculation under section 60D.19,
51.15 subdivision 11b, paragraph (a), clause (4), must be published through the NAIC committee
51.16 process to assist the lead state insurance commissioner determine what insurers must file
51.17 an annual group capital calculation. The list must clarify the situations in which a jurisdiction
51.18 is exempt from filing under section 60D.19, subdivision 11b, paragraph (a), clause (4). To
51.19 assist with a determination under section 60D.19, subdivision 11b, paragraph (b), the list
51.20 must also identify whether a jurisdiction that is exempt under section 60D.19, subdivision
51.21 11b, paragraph (a), clause (3) or (4), requires a group capital filing for any United States
51.22 insurance group's operations in the non-United States jurisdiction.

51.23 (b) For a non-United States jurisdiction where no United States insurance group operates,
51.24 the confirmation provided to comply with subdivision 4, clause (1), item (ii), serves as
51.25 support for a recommendation to be published that the non-United States jurisdiction is a
51.26 jurisdiction that recognizes and accepts the group capital calculation pursuant to the NAIC
51.27 committee process.

51.28 (c) If the lead state insurance commissioner makes a determination pursuant to section
51.29 60D.19, subdivision 11b, that differs from the NAIC list, the lead state insurance
51.30 commissioner must provide thoroughly documented justification to the NAIC and other
51.31 states.

51.32 (d) Upon a determination by the lead state insurance commissioner that a non-United
51.33 States jurisdiction no longer meets one or more of the requirements to recognize and accept
51.34 the group capital calculation, the lead state insurance commissioner may provide a

52.1 recommendation to the NAIC that the non-United States jurisdiction be removed from the
52.2 list of jurisdictions that recognize and accept the group capital calculation.

52.3 Sec. 21. Minnesota Statutes 2024, section 60D.20, subdivision 1, is amended to read:

52.4 Subdivision 1. **Transactions within an insurance holding company system.** (a)

52.5 Transactions within an insurance holding company system to which an insurer subject to
52.6 registration is a party are subject to the following standards:

52.7 (1) the terms shall be fair and reasonable;

52.8 (2) agreements for cost-sharing services and management shall include the provisions
52.9 required by rule issued by the commissioner;

52.10 (3) charges or fees for services performed shall be reasonable;

52.11 (4) expenses incurred and payment received shall be allocated to the insurer in conformity
52.12 with customary insurance accounting practices consistently applied;

52.13 (5) the books, accounts, and records of each party to all such transactions shall be so
52.14 maintained as to clearly and accurately disclose the nature and details of the transactions
52.15 including this accounting information as is necessary to support the reasonableness of the
52.16 charges or fees to the respective parties; ~~and~~

52.17 (6) the insurer's surplus as regards policyholders following any dividends or distributions
52.18 to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities
52.19 and adequate to its financial needs;

52.20 (7) if the commissioner determines an insurer subject to this chapter is in a hazardous
52.21 financial condition, as defined under section 60E.02, subdivision 5, or a condition that would
52.22 be grounds for supervision, conservation, or a delinquency proceeding, the commissioner
52.23 may require the insurer to secure and maintain either a deposit, held by the commissioner,
52.24 or a bond, as determined by the insurer at the insurer's discretion, to protect the insurer for
52.25 the duration of the contract, agreement, or the existence of the condition for which the
52.26 commissioner required the deposit or bond. When determining whether a deposit or bond
52.27 is required, the commissioner must consider whether concerns exist with respect to the
52.28 affiliated person's ability to fulfill the contract or agreement if the insurer entered into
52.29 liquidation. Once the insurer is deemed to be in a hazardous financial condition or a condition
52.30 that would be grounds for supervision, conservation, or a delinquency proceeding, and a
52.31 deposit or bond is necessary, the commissioner may determine the amount of the deposit
52.32 or bond, not to exceed the value of the contract or agreement in any one year, and whether

53.1 the deposit or bond is required for a single contract, multiple contracts, or a contract only
53.2 with a specific person or persons;

53.3 (8) all of an insurer's records and data held by an affiliate are and remain the property
53.4 of the insurer, are subject to control of the insurer, are identifiable, and are segregated or
53.5 readily capable of segregation, at no additional cost to the insurer, from all other persons'
53.6 records and data. For purposes of this clause, records and data include all records and data
53.7 that are otherwise the property of the insurer in whatever form maintained, including but
53.8 not limited to claims and claim files, policyholder lists, application files, litigation files,
53.9 premium records, rate books, underwriting manuals, personnel records, financial records,
53.10 or similar records within the affiliate's possession, custody, or control. At the request of the
53.11 insurer, the affiliate must provide that the receiver may (i) obtain a complete set of all records
53.12 of any type that pertain to the insurer's business, (ii) obtain access to the operating systems
53.13 on which the data are maintained, (iii) obtain the software that runs the operating systems
53.14 either through assumption of licensing agreements or otherwise, and (iv) restrict the use of
53.15 the data by the affiliate if the affiliate is not operating the insurer's business. The affiliate
53.16 must provide a waiver of any landlord lien or other encumbrance to provide the insurer
53.17 access to all records and data in the event the affiliate defaults under a lease or other
53.18 agreement; and

53.19 (9) premiums or other funds belonging to the insurer that are collected or held by an
53.20 affiliate are the exclusive property of the insurer and are subject to the control of the insurer.
53.21 Any right of offset in the event an insurer is placed into receivership is subject to chapter
53.22 576.

53.23 (b) The following transactions involving a domestic insurer and any person in its
53.24 insurance holding company system, including amendments or modifications of affiliate
53.25 agreements previously filed pursuant to this section, which are subject to any materiality
53.26 standards contained in clauses (1) to (7), may not be entered into unless the insurer has
53.27 notified the commissioner in writing of its intention to enter into the transaction at least 30
53.28 days prior thereto, or a shorter period the commissioner permits, and the commissioner has
53.29 not disapproved it within this period. The notice for amendments or modifications must
53.30 include the reasons for the change and the financial impact on the domestic insurer. Informal
53.31 notice must be reported, within 30 days after a termination of a previously filed agreement,
53.32 to the commissioner for determination of the type of filing required, if any:

53.33 (1) sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments
53.34 provided the transactions are equal to or exceed: (i) with respect to nonlife insurers, the
53.35 lesser of three percent of the insurer's admitted assets, or 25 percent of surplus as regards

54.1 policyholders; (ii) with respect to life insurers, three percent of the insurer's admitted assets;
54.2 each as of the 31st day of December next preceding;

54.3 (2) loans or extensions of credit to any person who is not an affiliate, where the insurer
54.4 makes the loans or extensions of credit with the agreement or understanding that the proceeds
54.5 of the transactions, in whole or in substantial part, are to be used to make loans or extensions
54.6 of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer
54.7 making such loans or extensions of credit provided the transactions are equal to or exceed:
54.8 (i) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets
54.9 or 25 percent of surplus as regards policyholders; (ii) with respect to life insurers, three
54.10 percent of the insurer's admitted assets; each as of the 31st day of December next preceding;

54.11 (3) reinsurance agreements or modifications to those agreements, including: (i) all
54.12 reinsurance pooling agreements; and (ii) agreements in which the reinsurance premium or
54.13 a change in the insurer's liabilities, or the projected reinsurance premium or a change in the
54.14 insurer's liabilities in any of the next three years, equals or exceeds five percent of the
54.15 insurer's surplus as regards policyholders, as of the 31st day of December next preceding,
54.16 including those agreements which may require as consideration the transfer of assets from
54.17 an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and
54.18 nonaffiliate that any portion of ~~such~~ the assets will be transferred to one or more affiliates
54.19 of the insurer;

54.20 (4) all management agreements, service contracts, tax allocation agreements, guarantees,
54.21 and all cost-sharing arrangements;

54.22 (5) guarantees when made by a domestic insurer; provided, however, that a guarantee
54.23 which is quantifiable as to amount is not subject to the notice requirements of this paragraph
54.24 unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or ten
54.25 percent of surplus as regards policyholders as of the 31st day of December next preceding.
54.26 Further, all guarantees which are not quantifiable as to amount are subject to the notice
54.27 requirements of this paragraph;

54.28 (6) direct or indirect acquisitions or investments in a person that controls the insurer or
54.29 in an affiliate of the insurer in an amount which, together with its present holdings in the
54.30 investments, exceeds 2-1/2 percent of the insurer's surplus to policyholders. Direct or indirect
54.31 acquisitions or investments in subsidiaries acquired pursuant to section 60D.16, as otherwise
54.32 authorized under this chapter, or in nonsubsidiary insurance affiliates that are subject to the
54.33 provisions of sections 60D.15 to 60D.29, are exempt from this requirement; and

55.1 (7) any material transactions, specified by regulation, which the commissioner determines
55.2 may adversely affect the interests of the insurer's policyholders.

55.3 Nothing contained in this section authorizes or permits any transactions that, in the case
55.4 of an insurer not a member of the same insurance holding company system, would be
55.5 otherwise contrary to law.

55.6 (c) A domestic insurer may not enter into transactions which are part of a plan or series
55.7 of like transactions with persons within the insurance holding company system if the purpose
55.8 of those separate transactions is to avoid the statutory threshold amount and thus avoid the
55.9 review that would occur otherwise. If the commissioner determines that the separate
55.10 transactions were entered into over any 12-month period for the purpose, the commissioner
55.11 may exercise the authority under section 60D.25.

55.12 (d) The commissioner, in reviewing transactions pursuant to paragraph (b), shall consider
55.13 whether the transactions comply with the standards set forth in paragraph (a), and whether
55.14 they may adversely affect the interests of policyholders.

55.15 (e) The commissioner shall be notified within 30 days of any investment of the domestic
55.16 insurer in any one corporation if the total investment in the corporation by the insurance
55.17 holding company system exceeds ten percent of the corporation's voting securities.

55.18 (f) An affiliate that is party to an agreement or contract with a domestic insurer that is
55.19 subject to paragraph (b), clause (4), is subject to the jurisdiction of any supervision, seizure,
55.20 conservatorship, or receivership proceedings against the insurer and to the authority of a
55.21 supervisor, conservator, rehabilitator, or liquidator for the insurer appointed pursuant to
55.22 chapters 60B and 576 for the purpose of interpreting, enforcing, and overseeing the affiliate's
55.23 obligations under the agreement or contract to perform services for the insurer that are: (1)
55.24 an integral part of the insurer's operations, including but not limited to management,
55.25 administrative, accounting, data processing, marketing, underwriting, claims handling,
55.26 investment, or any other similar functions; or (2) essential to the insurer's ability to fulfill
55.27 the insurer's obligations under insurance policies. The commissioner may require that an
55.28 agreement or contract pursuant to paragraph (b), clause (4), to provide the services described
55.29 in clauses (1) and (2) must specify that the affiliate consents to the jurisdiction as provided
55.30 under this paragraph.

56.1 Sec. 22. Minnesota Statutes 2024, section 60D.217, is amended to read:

56.2 **60D.217 GROUPWIDE SUPERVISION OF INTERNATIONALLY ACTIVE**
56.3 **INSURANCE GROUPS.**

56.4 (a) The commissioner is authorized to act as the groupwide supervisor for any
56.5 internationally active insurance group in accordance with the provisions of this section.
56.6 However, the commissioner may otherwise acknowledge another regulatory official as the
56.7 groupwide supervisor where the internationally active insurance group:

56.8 (1) does not have substantial insurance operations in the United States;

56.9 (2) has substantial insurance operations in the United States, but not in this state; or

56.10 (3) has substantial insurance operations in the United States and this state, but the
56.11 commissioner has determined pursuant to the factors set forth in ~~subsections~~ paragraphs (b)
56.12 and (f) that the other regulatory official is the appropriate groupwide supervisor.

56.13 An insurance holding company system that does not otherwise qualify as an internationally
56.14 active insurance group may request that the commissioner make a determination or
56.15 acknowledgment as to a groupwide supervisor pursuant to this section.

56.16 (b) In cooperation with other state, federal, and international regulatory agencies, the
56.17 commissioner ~~will~~ must identify a single groupwide supervisor for an internationally active
56.18 insurance group. The commissioner may determine that the commissioner is the appropriate
56.19 groupwide supervisor for an internationally active insurance group that conducts substantial
56.20 insurance operations concentrated in this state. However, the commissioner may acknowledge
56.21 that a regulatory official from another jurisdiction is the appropriate groupwide supervisor
56.22 for the internationally active insurance group. The commissioner shall consider the following
56.23 factors when making a determination or acknowledgment under this ~~subsection~~ paragraph:

56.24 (1) the place of domicile of the insurers within the internationally active insurance group
56.25 that hold the largest share of the group's written premiums, assets, or liabilities;

56.26 (2) the place of domicile of the top-tiered ~~insurer(s)~~ insurer or insurers in the insurance
56.27 holding company system of the internationally active insurance group;

56.28 (3) the location of the executive offices or largest operational offices of the internationally
56.29 active insurance group;

56.30 (4) whether another regulatory official is acting or is seeking to act as the groupwide
56.31 supervisor under a regulatory system that the commissioner determines to be:

57.1 (i) substantially similar to the system of regulation provided under the laws of this state;
57.2 or

57.3 (ii) otherwise sufficient in terms of providing for groupwide supervision, enterprise risk
57.4 analysis, and cooperation with other regulatory officials; and

57.5 (5) whether another regulatory official acting or seeking to act as the groupwide
57.6 supervisor provides the commissioner with reasonably reciprocal recognition and cooperation.

57.7 However, a commissioner identified under this section as the groupwide supervisor may
57.8 determine that it is appropriate to acknowledge another supervisor to serve as the groupwide
57.9 supervisor. The acknowledgment of the groupwide supervisor shall be made after
57.10 consideration of the factors listed in clauses (1) to (5), and shall be made in cooperation
57.11 with and subject to the acknowledgment of other regulatory officials involved with
57.12 supervision of members of the internationally active insurance group, and in consultation
57.13 with the internationally active insurance group.

57.14 (c) Notwithstanding any other provision of law, when another regulatory official is acting
57.15 as the groupwide supervisor of an internationally active insurance group, the commissioner
57.16 shall acknowledge that regulatory official as the groupwide supervisor. However, in the
57.17 event of a material change in the internationally active insurance group that results in:

57.18 (1) the internationally active insurance group's insurers domiciled in this state holding
57.19 the largest share of the group's premiums, assets, or liabilities; or

57.20 (2) this state being the place of domicile of the top-tiered ~~insurer(s)~~ insurer or insurers
57.21 in the insurance holding company system of the internationally active insurance group,
57.22 the commissioner shall make a determination or acknowledgment as to the appropriate
57.23 groupwide supervisor for such an internationally active insurance group pursuant to
57.24 ~~subsection~~ paragraph (b).

57.25 (d) Pursuant to section 60D.21, the commissioner is authorized to collect from any
57.26 insurer registered pursuant to section 60D.19 all information necessary to determine whether
57.27 the commissioner may act as the groupwide supervisor of an internationally active insurance
57.28 group or if the commissioner may acknowledge another regulatory official to act as the
57.29 groupwide supervisor. Prior to issuing a determination that an internationally active insurance
57.30 group is subject to groupwide supervision by the commissioner, the commissioner shall
57.31 notify the insurer registered pursuant to section 60D.19 and the ultimate controlling person
57.32 within the internationally active insurance group. The internationally active insurance group
57.33 shall have not less than 30 days to provide the commissioner with additional information

pertinent to the pending determination. The commissioner shall publish in the State Register and on the department's website the identity of internationally active insurance groups that the commissioner has determined are subject to groupwide supervision by the commissioner.

(e) If the commissioner is the groupwide supervisor for an internationally active insurance group, the commissioner is authorized to engage in any of the following groupwide supervision activities:

(1) assess the enterprise risks within the internationally active insurance group to ensure that:

(i) the material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(ii) reasonable and effective mitigation measures are in place; or

(2) request, from any member of an internationally active insurance group subject to the commissioner's supervision, information necessary and appropriate to assess enterprise risk, including but not limited to information about the members of the internationally active insurance group regarding:

(i) governance, risk assessment, and management;

(ii) capital adequacy; and

(iii) material intercompany transactions;

(3) coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of ~~such~~ the internationally active insurance group that are engaged in the business of insurance;

(4) communicate with other state, federal and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of section 60D.22, through supervisory colleges as set forth in section 60D.215 or otherwise;

(5) enter into agreements with or obtain documentation from any insurer registered under section 60D.19, any member of the internationally active insurance group, and any other state, federal, and international regulatory agencies for members of the internationally active

insurance group, providing the basis for or otherwise clarifying the commissioner's role as groupwide supervisor, including provisions for resolving disputes with other regulatory officials. ~~Such~~ Agreements or documentation under this clause shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this state is doing business in this state or is otherwise subject to jurisdiction in this state; and

(6) other groupwide supervision activities, consistent with the authorities and purposes enumerated above, as considered necessary by the commissioner.

(f) If the commissioner acknowledges that another regulatory official from a jurisdiction that is not accredited by the NAIC is the groupwide supervisor, the commissioner is authorized to reasonably cooperate, through supervisory colleges or otherwise, with groupwide supervision undertaken by the groupwide supervisor, provided that:

(1) the commissioner's cooperation is in compliance with the laws of this state; and

(2) the regulatory official acknowledged as the groupwide supervisor also recognizes and cooperates with the commissioner's activities as a groupwide supervisor for other internationally active insurance groups where applicable. Where ~~such~~ recognition and cooperation by the groupwide supervisor is not reasonably reciprocal, the commissioner is authorized to refuse recognition and cooperation.

(g) The commissioner is authorized to enter into agreements with or obtain documentation from any insurer registered under section 60D.19, any affiliate of the insurer, and other state, federal, and international regulatory agencies for members of the internationally active insurance group, that provide the basis for or otherwise clarify a regulatory official's role as groupwide supervisor.

(h) A registered insurer subject to this section shall be liable for and shall pay the reasonable expenses of the commissioner's participation in the administration of this section, including the engagement of attorneys, actuaries, and any other professionals and all reasonable travel expenses.

Sec. 23. Minnesota Statutes 2024, section 60D.22, subdivision 1, is amended to read:

Subdivision 1. **Classification protection and use of information by commissioner.** (a) Documents, materials, or other information in the possession or control of the department that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 60D.21 and all information reported pursuant to sections 60D.17, except as provided in section 60D.17, subdivision 1, paragraph

(e); ~~60D.18; 60D.19; and 60D.20;~~ and 60D.217, are classified as confidential or protected nonpublic or both, are not subject to subpoena, and are not subject to discovery or admissible in evidence in a private civil action. However, the commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected by this action notice and opportunity to be heard, determines that the interest of policyholders, shareholders, or the public ~~will be~~ is served by the publication of it, in which event the commissioner may publish all or any part in the manner the commissioner deems appropriate.

(b) For purposes of the information reported and provided to the department pursuant to section 60D.19, subdivision 11b, the commissioner must maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any United States groupwide supervisor.

(c) For purposes of the information reported and provided to the department pursuant to section 60D.19, subdivision 11c, the commissioner must maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-United States groupwide supervisors.

Sec. 24. Minnesota Statutes 2024, section 60D.22, subdivision 3, is amended to read:

Subd. 3. **Sharing of information.** In order to assist in the performance of the commissioner's duties, the commissioner:

(1) may share documents, materials, or other information, including the confidential, protected nonpublic, and privileged documents, materials, or information subject to this section, including proprietary and trade secret documents and materials, with: (i) other state, federal, and international regulatory agencies; ~~with;~~ (ii) the NAIC and its affiliates and subsidiaries; (iii) any third-party consultants designated by the commissioner; and ~~with~~ (iv) state, federal, and international law enforcement authorities, including members of any supervisory college described in section 60D.215, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) notwithstanding clause (1), may only share confidential, protected nonpublic, and privileged documents, materials, or information reported pursuant to section 60D.19, subdivision 11a, with commissioners of states having statutes or regulations substantially similar to subdivision 1 and who have agreed in writing not to disclose this information;

(3) may receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information from the NAIC and ~~its~~ the NAIC's affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential, protected nonpublic, or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(4) shall enter into written agreements with the NAIC and a third-party consultant designated by the commissioner governing sharing and use of information provided pursuant to sections 60D.15 to 60D.29 consistent with this clause that shall:

(i) specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner pursuant to sections 60D.15 to 60D.29, including procedures and protocols for sharing by the NAIC with other state, federal, or international regulators. The agreement must provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(ii) specify that ownership of information shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant pursuant to sections 60D.15 to 60D.29 remains with the commissioner and the NAIC's or a third-party consultant's, as designated by the commissioner, use of the information is subject to the direction of the commissioner;

(iii) excluding documents, material, or information reported pursuant to section 60D.19, subdivision 11c, prohibit the NAIC or a third-party consultant designated by the commissioner from storing the information shared pursuant to sections 60D.15 to 60D.29 in a permanent database after the underlying analysis is completed;

~~(iii)~~ (iv) require prompt notice to be given to an insurer whose confidential or protected nonpublic information in the possession of the NAIC or a third-party consultant designated by the commissioner pursuant to sections 60D.15 to 60D.29 is subject to a request or subpoena to the NAIC or a third-party consultant designated by the commissioner for disclosure or production; ~~and~~

(iv) ~~(v)~~ require the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner to consent to intervention by an insurer in any judicial or administrative action in which the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner may be required to disclose confidential or protected nonpublic information about the insurer shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner pursuant to sections 60D.15 to 60D.29-; and

(vi) for documents, material, or information reported pursuant to section 60D.19, subdivision 11c, in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurers.

Sec. 25. Minnesota Statutes 2024, section 60D.22, subdivision 6, is amended to read:

Subd. 6. **Classification protection and use by others.** Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant designated by the commissioner pursuant to sections 60D.15 to 60D.29 are confidential, protected nonpublic, or privileged, are not subject to subpoena, and are not subject to discovery or admissible in evidence in a private civil action.

Sec. 26. Minnesota Statutes 2024, section 60D.22, is amended by adding a subdivision to read:

Subd. 7. **Certain disclosures or publication prohibited.** (a) The group capital calculation and resulting group capital ratio required under section 60D.19, subdivision 11b, and the liquidity stress test along with the liquidity stress test's results and supporting disclosures required under section 60D.19, subdivision 11c, are regulatory tools to assess group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems generally.

(b) Except as otherwise required under sections 60D.09 to 60D.29, making, publishing, disseminating, circulating, or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio, television station, or any electronic means of communication available to the public, or in any other way as an advertisement, announcement, or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer,

63.1 broker, or other person engaged in any manner in the insurance business is misleading and
63.2 is prohibited.

63.3 (c) Notwithstanding paragraph (b), an insurer may publish an announcement in a written
63.4 publication if any materially false statement with respect to the group capital calculation,
63.5 resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or
63.6 insurance group's group capital calculation or resulting group capital ratio, liquidity stress
63.7 test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison
63.8 of any amount to an insurer's or insurance group's liquidity stress test result or supporting
63.9 disclosures is published in any written publication and the insurer is able to demonstrate to
63.10 the commissioner with substantial proof the statement's falsity or inappropriateness. The
63.11 sole purpose of an announcement under this paragraph must be to rebut the materially false
63.12 statement.

63.13 Sec. 27. Minnesota Statutes 2024, section 60D.24, subdivision 2, is amended to read:

63.14 Subd. 2. **Voting of securities; when prohibited.** No security that is the subject of any
63.15 agreement or arrangement regarding acquisition, or that is acquired or to be acquired, in
63.16 contravention of the provisions of this chapter or of any rule or order issued by the
63.17 commissioner may be voted at any shareholder's meeting, or may be counted for quorum
63.18 purposes, and any action of shareholders requiring the affirmative vote of a percentage of
63.19 shares may be taken as though the securities were not issued and outstanding. No action
63.20 taken at the meeting shall be invalidated by the voting of the securities, unless the action
63.21 would materially affect control of the insurer or unless the courts of this state have so
63.22 ordered. If an insurer or the commissioner has reason to believe that any security of the
63.23 insurer has been or is about to be acquired in contravention of the provisions of this chapter
63.24 or of any rule or order issued by the commissioner, the insurer or the commissioner may
63.25 apply to the district court for the county in which the insurer has its principal place of
63.26 business to enjoin any offer, request, invitation, agreement, or acquisition made in
63.27 contravention of section ~~60D.16~~ 60D.17 or any rule or order issued by the commissioner
63.28 to enjoin the voting of any security so acquired, to void any vote of the security already cast
63.29 at any meeting of shareholders and for other equitable relief as the nature of the case and
63.30 the interest of the insurer's policyholders or the public requires.

64.1 Sec. 28. Minnesota Statutes 2024, section 60D.25, is amended to read:

64.2 **60D.25 RECEIVERSHIP.**

64.3 Whenever it appears to the commissioner that any person has committed a violation of
64.4 this chapter that so impairs the financial condition of a domestic insurer as to threaten
64.5 insolvency or make the further transaction of business by it hazardous to its policyholders,
64.6 creditors, shareholders, or the public, then the commissioner may proceed as provided in
64.7 chapter 60B to take possessions of the property of the domestic insurer and to conduct the
64.8 business of that the domestic insurer.

64.9 Sec. 29. Minnesota Statutes 2024, section 62D.221, is amended by adding a subdivision
64.10 to read:

64.11 Subd. 3. **Exception.** Notwithstanding subdivision 1, health maintenance organizations
64.12 are not subject to oversight under this section with respect to section 60D.20, subdivision
64.13 1, paragraphs (a), clauses (7) to (9), and (f).

64.14 Sec. 30. Minnesota Statutes 2024, section 65A.01, subdivision 3c, is amended to read:

64.15 Subd. 3c. **Time requirements.** (a) In the event of a policy less than 60 days old that is
64.16 declined, or a policy that it is being canceled for nonpayment of premium, the notice must
64.17 be mailed to the insured at least ~~20~~ 30 days before the effective cancellation date. If a policy
64.18 is being declined or canceled for underwriting considerations, the insured must be informed
64.19 of the source from which the information was received.

64.20 (b) In the event of a midterm cancellation, for reasons listed in subdivision 3a, or
64.21 according to policy provisions, notice must be mailed to the insured at least 30 days before
64.22 the effective cancellation date.

64.23 (c) In the event of a nonrenewal, notice must be mailed to the insured at least 60 days
64.24 before the effective date of nonrenewal, containing the specific underwriting or other reason
64.25 for the indicated actions.

64.26 (d) This subdivision does not apply to commercial policies regulated under sections
64.27 60A.36 and 60A.37.

64.28 Sec. 31. Minnesota Statutes 2024, section 72A.20, is amended by adding a subdivision to
64.29 read:

64.30 Subd. 42. **Availability of current policy.** After an original policy of automobile insurance
64.31 under section 65B.14, subdivision 2, or homeowner's insurance under section 65A.27,

65.1 subdivision 4, has been issued, an insurer must deliver a copy of the current policy to the
65.2 first named insured within 21 days of the date a request for the current policy is received.
65.3 The copy may be delivered in paper form, electronically, or via a website link. An insurer
65.4 is required to provide a current policy in response to a request under this subdivision once
65.5 per policy period.

65.6 Sec. 32. **[168A.1502] INSURER APPLICATION FOR TITLE.**

65.7 (a) When an insurer licensed to conduct business in Minnesota acquires ownership of a
65.8 vehicle through payment of damages and the owner fails to deliver the vehicle's title to the
65.9 insurer within 15 days of payment of the claim, the insurer or a designated agent may apply
65.10 to the commissioner for a certificate of title as provided in this section. This section only
65.11 applies to vehicles with a title issued by this state.

65.12 (b) At least 15 days prior to applying for a certificate of title under this section, the
65.13 insurer or a designated agent must notify the owner and any lienholders of record of the
65.14 insurer's intent to apply for a title. The notice must be sent to the last known address of the
65.15 owner and any lienholders by certified mail or by a commercial delivery service that provides
65.16 evidence of delivery.

65.17 (c) At least 15 days after notifying the owner and any lienholders under paragraph (b),
65.18 the insurer may apply for a certificate of title from the commissioner. The application must
65.19 attest that the insurer or a designated agent:

65.20 (1) paid the claim;

65.21 (2) requested the title or other necessary transfer documents from the owner; and

65.22 (3) provided notice to the owner and any lienholders as required under paragraph (b).

65.23 If the insurer or a designated agent does not attest to completing the requirements under
65.24 clauses (1) to (3), the commissioner must reject the application.

65.25 (d) Notwithstanding any outstanding liens, upon proper application and payment of
65.26 applicable fees, the commissioner must issue a certificate of title, salvage title, or prior
65.27 salvage title in the name of the insurer. Issuance of a certificate of title, salvage title, or prior
65.28 salvage title extinguishes all existing liens against the vehicle. If the vehicle is sold, the
65.29 insurer or a designated agent must assign the title to the buyer and the vehicle is transferred
65.30 without any liens.

Sec. 33. **[168A.1503] REQUIREMENTS UPON UNPAID INSURANCE VEHICLE CLAIM.**

Subdivision 1. Definition. For purposes of this section, "salvage vehicle auction company" or "auction company" means a business, organization, or individual that sells salvage vehicles on behalf of insurers.

Subd. 2. Notice to auction company. (a) If an insurance company licensed to conduct business in Minnesota requests an auction company to take possession of a salvage vehicle that is subject to an insurance claim and the insurance company does not subsequently take ownership of the vehicle, the insurance company may direct the auction company to release the vehicle to the owner or lienholder.

(b) The insurance company must provide the auction company notice, by commercial delivery service, email, or a proprietary electronic system accessible by both the insurance company and the auction company, authorizing the auction company to release the vehicle to the vehicle's owner or lienholder.

Subd. 3. Notice to owner or lienholder. (a) Upon receiving notice from an insurance company, the auction company must send two notices a minimum of 14 days apart to the owner of the vehicle and any lienholders stating that the vehicle is available to be recovered from the auction company within 30 days of the date the first notice was sent. Each notice must include an invoice for any outstanding charges owed to the auction company that must be paid before the vehicle may be recovered.

(b) Notice under this subdivision must be sent to the address of the owner and any lienholder on record with the commissioner by certified mail or a commercially available delivery service that provides proof of delivery.

Subd. 4. Vehicle deemed abandoned. (a) If the owner or any lienholder does not recover the vehicle within 30 days of the date on which the first notice was sent under subdivision 3, (1) the vehicle is considered abandoned, (2) the vehicle's certificate of title is deemed assigned to the auction company, and (3) without surrendering the certificate of title, the auction company may request, on a form provided by the commissioner, that the commissioner issue a certificate of title that is free of liens.

(b) A request under paragraph (a) must be accompanied by a copy of (1) the notice sent by the insurance company required under subdivision 2, and (2) evidence of delivery of the notices sent to the owner and any lienholders required under subdivision 3 or evidence that the notices were undeliverable.

(c) Notwithstanding any outstanding liens against the vehicle, upon proper application and receipt of any fees charged under section 168A.29, the commissioner must issue a certificate of title that is free of liens and bears a salvage or prior salvage brand to the auction company in possession of the vehicle.

Sec. 34. Minnesota Statutes 2024, section 334.01, subdivision 2, is amended to read:

Subd. 2. **Contracts of \$100,000 or more.** Notwithstanding any law to the contrary, except as stated in section 58.137, and with respect to ~~contracts~~ a conventional loan or contract for deed, section 47.20, subdivision 4a, no limitation on the rate or amount of interest, points, finance charges, fees, or other charges applies to a loan, mortgage, credit sale, or advance made under a written contract, signed by the debtor, for the extension of credit to the debtor in the amount of \$100,000 or more, or any written extension and other written modification of the written contract. The written contract, written extension, and written modification are exempt from the other provisions of this chapter.

ARTICLE 5

MISCELLANEOUS COMMERCE POLICY

Section 1. **[45.0137] COMMON INTEREST COMMUNITY OMBUDSPERSON.**

Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Association" has the meaning given in section 515B.1-103, clause (4).

(c) "Common interest community" has the meaning given in section 515B.1-103, clause (10).

(d) "Nonpublic data" has the meaning given in section 13.02, subdivision 9.

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

(f) "Unit owner" has the meaning given in section 515B.1-103, clause (37).

Subd. 2. **Establishment.** A common interest community ombudsperson position is established within the Department of Commerce to assist unit owners in enforcing their rights and to facilitate resolution of disputes between unit owners and associations. The ombudsperson is appointed by the governor, serves in the unclassified service, and may be removed only for just cause.

68.1 Subd. 3. **Qualifications.** The ombudsperson must be selected without regard to political
68.2 affiliation, must be qualified and experienced to perform the duties of the office, and must
68.3 be skilled in dispute resolution techniques. The ombudsperson must not be a unit owner,
68.4 be employed by a business entity that provides management or consulting services to an
68.5 association, or otherwise be affiliated with an association or management company. A
68.6 person is prohibited from serving as ombudsperson while holding another public office.

68.7 Subd. 4. **Duties.** (a) The ombudsperson must assist unit owners, their tenants, and
68.8 associations to understand and enforce their rights under chapter 515B and the governing
68.9 documents of the specific unit owner's association, including by:

68.10 (1) creating and publishing plain language explanations of common provisions of common
68.11 interest community declarations and bylaws; and

68.12 (2) publishing materials and providing resources and referrals related to the rights and
68.13 responsibilities of unit owners and associations.

68.14 (b) Upon the request of a unit owner or association, the ombudsperson must provide
68.15 dispute resolution services, including acting as a mediator, in disputes between a unit owner
68.16 and an association concerning chapter 515B or the governing documents of the common
68.17 interest community, except where:

68.18 (1) there is a complaint based on the same dispute pending in a judicial or administrative
68.19 proceeding, or if there is a harassment or restraining order involved; or

68.20 (2) the same disputed issue has been addressed or is currently in arbitration, mediation,
68.21 or another alternative dispute resolution process.

68.22 (c) The ombudsperson may provide dispute resolution services for disputes between the
68.23 tenant of a unit owner and an association, if the unit owner agrees to participate in the dispute
68.24 resolution process.

68.25 (d) The ombudsperson must compile and analyze complaints and inquiries involving
68.26 common interest communities to identify issues and trends. When assisting a unit owner in
68.27 enforcing their rights under this section, the ombudsperson may inform them of the existence
68.28 of other complaints from other unit owners in the same common interest community, subject
68.29 to subdivision 7.

68.30 (e) The ombudsperson must maintain a website containing, at a minimum:

68.31 (1) the text of chapter 515B and any other relevant statutes or rules;

69.1 (2) information regarding the services provided by the Office of the Common Interest
69.2 Community Ombudsperson, including assistance with dispute resolution;

69.3 (3) information regarding alternative dispute resolution methods and programs; and

69.4 (4) any other information that the ombudsperson determines is useful to unit owners,
69.5 associations, common interest community boards of directors, and common interest
69.6 community property management companies.

69.7 (f) When requested or as the ombudsperson deems appropriate, the ombudsperson must
69.8 provide reports and recommendations to the legislative committees with jurisdiction over
69.9 common interest communities.

69.10 (g) In the course of assisting to resolve a dispute, the ombudsperson may, at reasonable
69.11 times, enter and view premises within the control of the common interest community.

69.12 Subd. 5. **Powers limited.** The ombudsperson and the commissioner are prohibited from
69.13 rendering a formal legal opinion regarding a dispute between a unit owner and an association.
69.14 The ombudsperson and commissioner are prohibited from making a formal determination
69.15 or issuing an order regarding disputes between a unit owner and an association. Nothing in
69.16 this subdivision limits the ability of the commissioner to execute duties or powers under
69.17 any other law.

69.18 Subd. 6. **Cooperation.** Upon request, unit owners and associations must participate in
69.19 the dispute resolution process and make good faith efforts to resolve disputes under this
69.20 section.

69.21 Subd. 7. **Data.** Data collected, created, or maintained by the office of the ombudsperson
69.22 under this section are private data on individuals or nonpublic data.

69.23 Subd. 8. **Landlord and tenant law.** Nothing in this section modifies, supersedes, limits,
69.24 or expands the rights and duties of landlords and tenants established under chapter 504B or
69.25 any other law.

69.26 **EFFECTIVE DATE.** This section is effective July 1, 2026.

69.27 Sec. 2. Minnesota Statutes 2024, section 80E.12, is amended to read:

69.28 **80E.12 UNLAWFUL ACTS BY MANUFACTURERS, DISTRIBUTORS, OR**
69.29 **FACTORY BRANCHES.**

69.30 It shall be unlawful for any manufacturer, distributor, or factory branch to require a new
69.31 motor vehicle dealer to do any of the following:

70.1 (a) order or accept delivery of any new motor vehicle, part or accessory thereof,
70.2 equipment, or any other commodity not required by law which has not been voluntarily
70.3 ordered by the new motor vehicle dealer, provided that this paragraph does not modify or
70.4 supersede reasonable provisions of the franchise requiring the dealer to market a
70.5 representative line of the new motor vehicles the manufacturer or distributor is publicly
70.6 advertising;

70.7 (b) order or accept delivery of any new motor vehicle, part or accessory thereof,
70.8 equipment, or any other commodity not required by law in order for the dealer to obtain
70.9 delivery of any other motor vehicle ordered by the dealer;

70.10 (c) order or accept delivery of any new motor vehicle with special features, accessories,
70.11 or equipment not included in the list price of the motor vehicles as publicly advertised by
70.12 the manufacturer or distributor;

70.13 (d) participate monetarily in an advertising campaign or contest, or to purchase any
70.14 promotional materials, showroom, or other display decorations or materials at the expense
70.15 of the new motor vehicle dealer;

70.16 (e) enter into any agreement with the manufacturer or to do any other act prejudicial to
70.17 the new motor vehicle dealer by threatening to cancel a franchise or any contractual
70.18 agreement existing between the dealer and the manufacturer. Notice in good faith to any
70.19 dealer of the dealer's violation of any terms of the franchise agreement shall not constitute
70.20 a violation of sections 80E.01 to 80E.17;

70.21 (f) change the capital structure of the new motor vehicle dealer or the means by or
70.22 through which the dealer finances the operation of the dealership; provided, that the new
70.23 motor vehicle dealer at all times meets any reasonable capital standards agreed to by the
70.24 dealer; and also provided, that no change in the capital structure shall cause a change in the
70.25 principal management or have the effect of a sale of the franchise without the consent of
70.26 the manufacturer or distributor as provided in section 80E.13, paragraph (j);

70.27 (g) prevent or attempt to prevent, by contract or otherwise, any motor vehicle dealer
70.28 from changing the executive management control of the new motor vehicle dealer unless
70.29 the franchisor proves that the change of executive management will result in executive
70.30 management control by a person who is not of good moral character or who does not meet
70.31 the franchisor's existing reasonable capital standards and, with consideration given to the
70.32 volume of sales and services of the new motor vehicle dealer, uniformly applied minimum
70.33 business experience standards in the market area; provided, that where the manufacturer,
70.34 distributor, or factory branch rejects a proposed change in executive management control,

71.1 the manufacturer, distributor, or factory branch shall give written notice of its reasons to
71.2 the dealer;

71.3 (h) refrain from participation in the management of, investment in, or the acquisition
71.4 of, any other line of new motor vehicle or related products or establishment of another make
71.5 or line of new motor vehicles in the same dealership facilities as those of the manufacturer;
71.6 provided, however, that this clause does not apply unless the new motor vehicle dealer
71.7 maintains a reasonable line of credit for each make or line of new motor vehicle, and that
71.8 the new motor vehicle dealer remains in substantial compliance with the terms and conditions
71.9 of the franchise and with any reasonable facilities requirements of the manufacturer and
71.10 that the acquisition or addition is not unreasonable in light of all existing circumstances;
71.11 provided further that if a manufacturer determines to deny a dealer's request for a change
71.12 described in this paragraph, such denial must be in writing, must offer an analysis of the
71.13 grounds for the denial addressing the criteria contained in this paragraph, and must be
71.14 delivered to the new motor vehicle dealer within 60 days after the manufacturer receives
71.15 the completed application or documents customarily used by the manufacturer for dealer
71.16 actions described in this paragraph. If a denial that meets the requirements of this paragraph
71.17 is not sent within this period, the manufacturer shall be deemed to have given its consent
71.18 to the proposed change.

71.19 For purposes of this section and sections 80E.07, subdivision 1, paragraph (c), and 80E.14,
71.20 subdivision 4, reasonable facilities requirements shall not include a requirement that a dealer
71.21 establish or maintain exclusive facilities for the manufacturer of a line make unless
71.22 determined to be reasonable in light of all existing circumstances or the dealer and the
71.23 manufacturer voluntarily agree to such a requirement and separate and adequate consideration
71.24 was offered and accepted;

71.25 (i) during the course of the agreement, change the location of the new motor vehicle
71.26 dealership or make any substantial alterations to the dealership premises during the course
71.27 of the agreement, when to do so would be unreasonable or if the manufacturer fails to
71.28 provide the dealer 180 days' prior written notice of a required change in location or substantial
71.29 premises alteration; ~~or~~

71.30 (j) prospectively assent to a release, assignment, novation, waiver, or estoppel whereby
71.31 a dealer relinquishes any rights under sections 80E.01 to 80E.17, or which would relieve
71.32 any person from liability imposed by sections 80E.01 to 80E.17 or to require any controversy
71.33 between a new motor vehicle dealer and a manufacturer, distributor, or factory branch to
71.34 be referred to any person or tribunal other than the duly constituted courts of this state or
71.35 the United States, if the referral would be binding upon the new motor vehicle dealer; or

72.1 (k) refrain from participation in an auto show described in section 168.27, subdivision
72.2 10a.

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

72.4 Sec. 3. Minnesota Statutes 2024, section 168.27, is amended by adding a subdivision to
72.5 read:

72.6 Subd. 10a. **Participation in auto shows.** (a) A new motor vehicle dealer may participate
72.7 in an auto show outside the county where the dealer maintains the dealer's licensed location
72.8 to sell new vehicles without obtaining an additional license if:

72.9 (1) the dealer participates in an auto show that takes place in a county other than the
72.10 county where the dealer maintains a licensed location not more than four times during any
72.11 calendar year;

72.12 (2) the auto show is not held at a licensed location of any participating dealer;

72.13 (3) the auto show is of a duration of no more than 12 consecutive days;

72.14 (4) the auto show expressly prohibits:

72.15 (i) the sale or lease of vehicles at the show;

72.16 (ii) labeling or marking vehicles as "For Sale" or "Sold";

72.17 (iii) labeling or marking a vehicle with a price other than the manufacturer's retail price
72.18 label;

72.19 (iv) using printed posters, cards, and other printed materials that contain special dealership
72.20 pricing; and

72.21 (v) appraisal of trade-in vehicles and quoting a trade-in price for a particular vehicle.

72.22 (b) The auto show may permit:

72.23 (1) exhibitor staff to distribute business cards, coupons, vehicle promotional materials,
72.24 and factory-approved rebates;

72.25 (2) exhibitor staff to make appointments for potential customers to visit the dealership,
72.26 collect names of customer leads for later contact, and discuss the suggested retail price of
72.27 a vehicle and the availability of particular lines of vehicles; and

72.28 (3) test rides or test drives of new vehicles, but only under a program conducted by the
72.29 auto show.

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

73.1 Sec. 4. Minnesota Statutes 2024, section 216B.40, is amended to read:

73.2 **216B.40 EXCLUSIVE SERVICE RIGHT; SERVICE EXTENSION.**

73.3 Except as provided in sections 216B.42 ~~and~~, 216B.421, and 216B.422, each electric
73.4 utility shall have the exclusive right to provide electric service at retail to each and every
73.5 present and future customer in its assigned service area and no electric utility shall render
73.6 or extend electric service at retail within the assigned service area of another electric utility
73.7 unless the electric utility consents thereto in writing; provided that any electric utility may
73.8 extend its facilities through the assigned service area of another electric utility if the extension
73.9 is necessary to facilitate the electric utility connecting its facilities or customers within its
73.10 own assigned service area.

73.11 Sec. 5. **[216B.422] ELECTRICITY SALES FOR CHARGING ELECTRIC**
73.12 **VEHICLES.**

73.13 A retail seller of electricity used to recharge a battery that powers an electric vehicle, as
73.14 defined in section 169.011, subdivision 26a, and that is not otherwise a public utility under
73.15 this chapter, is not in violation of section 216B.40 if the electricity the retailer sells was
73.16 provided by the utility serving the location of the charging station.

73.17 Sec. 6. Minnesota Statutes 2024, section 216B.62, is amended by adding a subdivision to
73.18 read:

73.19 Subd. 9. **Administrative costs for discontinuation of telecommunication services.** The
73.20 commission may assess fees for the actual commission costs to administer the discontinuation
73.21 of telecommunication services under section 237.181. The money received from the
73.22 assessment must be deposited into an account in the special revenue fund and all money
73.23 deposited is appropriated to the commission for the purposes specified under this subdivision.
73.24 The commission may initially assess for estimated costs under section 237.181, then must
73.25 adjust subsequent assessments for actual costs incurred under section 237.181. An assessment
73.26 made under this subdivision is not subject to the cap on assessments provided in subdivision
73.27 3 or any other law.

73.28 **EFFECTIVE DATE.** This section is effective July 1, 2026.

73.29 Sec. 7. **[237.181] CUSTOMER TRANSITION PLANS FOR AREAS WITH VOIP**
73.30 **ALTERNATIVES.**

73.31 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
73.32 the meanings given.

74.1 (b) "Commission" means the Public Utilities Commission.

74.2 (c) "Voice over internet protocol" or "VOIP" has the meaning given in section 237.025.

74.3 (d) "Alternative providers" means one or more providers the Federal Communications
74.4 Commission has identified through Broadband Data Collection, location fabric data, or a
74.5 successor data program as having a provider offering wireline broadband access service
74.6 through fiber optic cable to the home capable of carrying VOIP of at least 25 megabits per
74.7 second download speed and three megabit per second upload speed and offers VOIP services
74.8 at a rate no more than 120 percent of the current rate for local flat-rated voice service. Other
74.9 Federal Communications Commission-approved adequate replacements shall be considered
74.10 by the commission upon request of the telephone company or telecommunications carrier
74.11 if the telephone company or telecommunications carrier fulfills the required obligations set
74.12 forth in this section.

74.13 Subd. 2. **Customer transition plans.** (a) A telephone company or telecommunications
74.14 carrier may submit a petition to the commission for approval of a customer transition plan
74.15 to discontinue telecommunications service in an area where the telephone company or
74.16 telecommunications carrier has shown that customers in the affected area have access to
74.17 one or more providers for the telecommunications service provided by the telephone company
74.18 or telecommunications carrier.

74.19 (b) The proposed customer transition plan must:

74.20 (1) clearly identify the area and affected customers;

74.21 (2) clearly identify the alternative providers available to customers in the affected area;

74.22 (3) provide for technical assistance to affected customers who request assistance with
74.23 the transition to an alternate provider;

74.24 (4) draft consumer dispute forms for commission approval;

74.25 (5) describe the public education meeting plans for affected customers when required
74.26 by the commission; and

74.27 (6) provide onetime connection fees and device costs for households eligible for credit
74.28 as defined in section 237.70, subdivision 4a.

74.29 Subd. 3. **Commission process.** The commission shall provide for notice and comment
74.30 on the petition for a customer transition plan. The commission shall approve, modify, or
74.31 reject a petition filed under this section. The commission shall only approve a plan under
74.32 this section if it finds that the telephone company or telecommunications carrier:

(1) has met its burden of demonstrating to the commission that customers in the affected area have at least one alternative provider available to those customers;

(2) has demonstrated that it will put sufficient resources into assisting customers to transition to an alternate provider, including providing onetime connection fees and device costs for households eligible for credit as defined in section 237.70, subdivision 4a; and

(3) has held a public meeting in the affected area as required by the commission and provided written notice of the meeting to customers 60 days in advance.

Subd. 4. Obligations upon approval. Upon approval of a petition for a customer transition plan under this section, the telephone company or telecommunications carrier that proposed the petition must continue to serve an affected customer until the telephone company or telecommunications carrier completes the required actions in subdivision 2 and any disputes brought by the customer before the commission are resolved.

Subd. 5. Dispute resolution. The commission must resolve any dispute over whether a location has service available at the rates described in subdivision 1 on an expedited basis pursuant to section 237.61, prior to the date services will be discontinued. Such disputes must be submitted at least 90 days prior to the date of service discontinuance and resolved 15 days prior to the date of service discontinuation.

Subd. 6. Reinstatement of service. (a) The commission may reinstate existing obligations on the telephone company or telecommunications carrier to provide services to customers affected by this section:

(1) on the commission's own initiative; or

(2) in response to a request for agency action.

(b) Before acting under this subdivision, the commission must:

(1) provide notice and conduct a hearing; and

(2) determine that reinstating any existing obligation to serve is necessary because customers lack access to one or more providers.

(c) The telephone company or telecommunications carrier that would be affected by modification or reinstatement of service shall bear the burden of proof in a proceeding under this subdivision.

Subd. 7. Local exchange carrier. Nothing in this section relieves an incumbent local exchange carrier as defined under United States Code, title 47, section 251(h)(1), of its

76.1 existing interconnection obligations or terminates existing interconnection agreements in a
76.2 manner other than according to their terms or other existing law.

76.3 Subd. 8. **No relinquishment of ETC status.** A petition approved under this section
76.4 shall not be deemed to be a relinquishment of any eligible telecommunications carrier
76.5 designation that has been granted to the petitioning telephone company or
76.6 telecommunications carrier under federal and state law.

76.7 **EFFECTIVE DATE.** This section is effective July 1, 2026.

76.8 Sec. 8. **[239.90] RETAIL ELECTRIC VEHICLE SUPPLY EQUIPMENT.**

76.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
76.10 the meanings given.

76.11 (b) "Electric vehicle supply equipment" or "EVSE" means a conductor, including an
76.12 ungrounded, grounded, and equipment grounding conductor, electric vehicle connector,
76.13 attachment plug, and other fitting, device, power outlet, or apparatus installed specifically
76.14 to measure, deliver, and compute the price of electrical energy delivered to an electric
76.15 vehicle.

76.16 (c) "Electricity sold as vehicle fuel" means electrical energy transferred to or stored
76.17 onboard an electric vehicle primarily to propel the electric vehicle.

76.18 (d) "Fixed service" means a service that continuously provides the nominal power that
76.19 is possible with the equipment as installed.

76.20 (e) "Nominal power" means the intended, named, or stated, as opposed to the actual,
76.21 rate of electrical energy transfer.

76.22 (f) "Variable service" means a service that may be controlled, resulting in periods of
76.23 reduced or interrupted transfer of electrical energy.

76.24 Subd. 2. **Inspection; fees.** The director must inspect a retail EVSE annually or as often
76.25 as is possible given budgetary and staffing limitations. The director must charge an EVSE
76.26 owner a \$100 fee to inspect and test each EVSE charging port.

76.27 Subd. 3. **EVSE program account; appropriation.** An EVSE program account is created
76.28 in the special revenue fund of the state treasury. The commissioner must credit to the account
76.29 fees collected from inspections under this section and appropriations and transfers made to
76.30 the account. Earnings, including interest, dividends, and any other earnings arising from
76.31 assets of the account, must be credited to the account. Money in the account is appropriated
76.32 to the commissioner to pay for operations of the EVSE program.

77.1 Subd. 4. **Method of sale.** (a) Electrical energy kept, offered, or exposed for sale and
77.2 sold at retail as a vehicle fuel must be expressed in kilowatt-hour units.

77.3 (b) In addition to the price per kilowatt-hour for the quantity of electrical energy sold,
77.4 a fee may be assessed for other services. A fee assessed for another service may be a fixed
77.5 fee or may be based on time measurement.

77.6 Subd. 5. **Labeling.** (a) A computing EVSE must display the unit price in whole cents
77.7 or tenths of one cent, based on the price per kilowatt-hour. If the electrical energy is unlimited
77.8 or free of charge, the computing EVSE must clearly indicate that the electrical energy is
77.9 unlimited or free of charge in lieu of the unit price.

77.10 (b) For a fixed service application, the following information must be conspicuously
77.11 displayed or posted on the face of the device:

77.12 (1) the level of electric vehicle service, expressed as the nominal power transfer; and

77.13 (2) the type of electrical energy transfer.

77.14 (c) If a fee is assessed for other services in direct connection with fueling the vehicle,
77.15 including but not limited to a fee based on time measurement or a fixed fee, the additional
77.16 fee must be displayed.

77.17 (d) An EVSE must be labeled in a manner that complies with Federal Trade
77.18 Commissioner labeling requirements for alternative fuels and alternative fueled vehicles,
77.19 Code of Federal Regulations, title 16, part 309.

77.20 (e) An EVSE must be listed and labeled in a manner that complies with the National
77.21 Electric Code NFPA 70, Article 625, Electric Vehicle Charging Systems.

77.22 Subd. 6. **Advertising; sign prices.** (a) When a sign or device is used to advertise the
77.23 price of electricity to fuel a vehicle, the price for electrical energy must be expressed in
77.24 price per kilowatt-hour, in whole cents or tenths of one cent. If the electrical energy is
77.25 unlimited or free of charge, the advertising or sign must clearly indicate that the electrical
77.26 energy is unlimited or free of charge in lieu of the unit price.

77.27 (b) If more than one electrical energy unit price may apply over the duration of a single
77.28 transaction or sale to the general public, the terms and conditions that determine each unit
77.29 price and the times each unit price apply must be clearly displayed.

77.30 (c) For a fixed service application, the following information must be conspicuously
77.31 displayed or posted:

77.32 (1) the level of electric vehicle service, expressed as the nominal power transfer; and

78.1 (2) the type of electrical energy transfer.

78.2 (d) For a variable service application, the following information must be conspicuously
78.3 displayed or posted:

78.4 (1) the type of delivery;

78.5 (2) the minimum and maximum power transfer that may occur during a transaction,
78.6 including whether service may be reduced to zero;

78.7 (3) the conditions under which a variation in electrical energy transfer occurs; and

78.8 (4) the type of electrical energy transfer.

78.9 (e) If a fee is assessed for other services in direct connection with the fueling of the
78.10 vehicle, including but not limited to a fee based on time measurement or a fixed fee, the
78.11 additional fee must be included on all street signs or other advertising.

78.12 Sec. 9. **[325F.079] SALE OF NITROUS OXIDE.**

78.13 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
78.14 the meanings given.

78.15 (b) "Nitrous oxide" means a canister containing nitrous oxide that is sold by a retailer.

78.16 (c) "Retailer" means a person, located within Minnesota or elsewhere, engaged in the
78.17 business of selling or offering for sale nitrous oxide to a consumer in Minnesota.

78.18 Subd. 2. **Prohibition.** A retailer is prohibited from selling or offering for sale nitrous
78.19 oxide to a consumer in Minnesota.

78.20 Subd. 3. **Exceptions.** Nitrous oxide may be purchased for the following reasons:

78.21 (1) care or treatment of a disease, condition, or injury by a licensed medical or dental
78.22 practitioner;

78.23 (2) possession and use by a manufacturer as part of a manufacturing process or industrial
78.24 operation;

78.25 (3) possession, use, or sale as a propellant in food preparation for restaurant, food service,
78.26 or houseware products; or

78.27 (4) possession, use, or sale of nitrous oxide for automotive purposes.

78.28 Subd. 4. **Violation.** A person who violates this section is guilty of a misdemeanor.

79.1 Sec. 10. [325F.677] AVAILABILITY OF WATER AT PLACES OF
79.2 ENTERTAINMENT.

79.3 Subdivision 1. **Definition.** For purposes of this section, "place of entertainment" has the
79.4 meaning given in section 325F.676, subdivision 1, paragraph (h).

79.5 Subd. 2. **Available water requirement.** When occupancy exceeds 100 attendees and
79.6 where an attendee must have a ticket in order to access the place of entertainment, a place
79.7 of entertainment must provide attendees with access to potable water by:

79.8 (1) providing water at no cost to the attendees;

79.9 (2) allowing attendees to bring factory-sealed bottled water into the place of
79.10 entertainment; or

79.11 (3) allowing attendees to bring an empty water bottle to the place of entertainment and
79.12 providing attendees with access to potable water to fill the bottle. A place of entertainment
79.13 may prohibit certain types and sizes of water bottles in order to protect the safety of others.

79.14 Subd. 3. **Exceptions.** An exhibit, gallery, or presentation space where beverages are
79.15 prohibited is not required to allow water into the exhibit, gallery, or presentation space if
79.16 water is available at no cost in an accessible location outside of the museum exhibit gallery
79.17 or presentation space.

79.18 Sec. 11. Minnesota Statutes 2024, section 325G.24, subdivision 2, is amended to read:

79.19 Subd. 2. **Right of member unilateral termination.** (a) Any person who has elected to
79.20 become a member of a club may unilaterally terminate such membership, in the person's
79.21 exclusive discretion, by giving notice of termination at any time.

79.22 (b) If given by mail, the notice is effective upon deposit in a mailbox, properly addressed,
79.23 and postage prepaid.

79.24 (c) A club must not impose a termination fee or any other liability on the member for
79.25 termination under this subdivision.

79.26 (d) Termination under this subdivision is effective at the end of the membership term
79.27 in which the member provides the notice of termination. If membership is at-will without
79.28 a defined membership term, then termination under this subdivision is effective ~~immediately,~~
79.29 ~~unless~~ no later than 30 days after the date of a verified consumer's notice of termination. If
79.30 the member indicates a future effective date of termination, in which event beyond those
79.31 set forth herein, the date indicated by the member is the effective date of termination.

(e) If a member provides notice of termination at any time before midnight of the third business day following the date on which membership was attained, the club must treat the notice as a notice of cancellation under subdivision 1, unless the member specifically provides for a future termination effective date.

EFFECTIVE DATE. This section is effective July 1, 2025, and applies to contracts entered into, modified, or renewed on or after that date.

Sec. 12. **[515B.5-101] COMMON INTEREST COMMUNITY REGISTRATION.**

Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Association" has the meaning given in section 515B.1-103, clause (4).

(c) "Common interest community" has the meaning given in section 515B.1-103, clause (10).

(d) "Master declaration" has the meaning given in section 515B.1-103, clause (22).

(e) "Master developer" has the meaning given in section 515B.1-103, clause (23).

(f) "Unit" has the meaning given in section 515B.1-103, clause (35).

Subd. 2. Establishment. The Department of Commerce must establish a register that contains the information required under subdivision 3 regarding each residential common interest community or similar association governed by this chapter, operating within Minnesota.

Subd. 3. Registration required. (a) A residential common interest community or similar association governed by this chapter must annually register under this section if the common interest community or similar association owns any number of units in Minnesota.

(b) A residential common interest community or similar association governed by this chapter must provide the following information to the department when registering:

(1) the common interest community or association's legal name;

(2) the common interest community or association's federal employer identification number;

(3) the common interest community or association's telephone number, email address, and mailing and physical address;

(4) the current board officers' full names, titles, email addresses, and other contact information;

81.1 (5) a copy of the common interest community or association's governing documents,
81.2 including but not limited to declarations, bylaws, rules, and any amendments;

81.3 (6) the total number of parcels in the common interest community or association; and

81.4 (7) the total amount of revenues and expenses from the common interest community or
81.5 association's annual budget.

81.6 (c) For residential common interest communities or associations governed by this chapter
81.7 that are under the control of a master developer, the register must include:

81.8 (1) the master developer's legal name;

81.9 (2) the master developer's telephone number, email address, and mailing and physical
81.10 address;

81.11 (3) the master developer's federal employer identification number;

81.12 (4) the total number of parcels owned by the master developer on the date of reporting;

81.13 (5) the master developer's master declaration required under section 515B.2-121;

81.14 (6) the master developer's anticipated timeline to transfer control to the owners; and

81.15 (7) how the master developer transfers control to the owners.

81.16 (d) Residential common interest communities or associations governed by this chapter
81.17 that contract with a property management company must also provide the following
81.18 information:

81.19 (1) the property management company's legal name;

81.20 (2) the property management company's telephone number, email address, and mailing
81.21 and physical address; and

81.22 (3) a brief description of the property management company's legal obligations under
81.23 the terms of the contract.

81.24 Subd. 4. **Registration fee.** Each residential common interest community or association
81.25 must pay an annual registration fee of \$55 to support the register established in subdivision
81.26 2 and the common interest community ombudsperson under section 45.0137.

81.27 Subd. 5. **Data classification.** Data collected, created, received, or maintained pursuant
81.28 to this section is private data on individuals, as defined in section 13.02, subdivision 12.

81.29 Subd. 6. **Notice requirement.** The Department of Commerce must provide notice to a
81.30 common interest community or association that fails to register. The common interest

82.1 community or association must register as provided under this section within 60 days after
82.2 receiving the notice to register.

82.3 **EFFECTIVE DATE.** This section is effective January 1, 2026.

82.4 **ARTICLE 6**

82.5 **CANNABIS FINANCE POLICY**

82.6 Section 1. Minnesota Statutes 2024, section 342.17, is amended to read:

82.7 **342.17 SOCIAL EQUITY APPLICANTS.**

82.8 (a) An applicant qualifies as a social equity applicant if the applicant:

82.9 (1) was convicted of, received a stay of adjudication under chapter 609 for, or was
82.10 adjudicated delinquent under chapter 260B of an offense involving the possession or sale
82.11 of cannabis or marijuana prior to May 1, 2023;

82.12 (2) had a parent, guardian, child, spouse, or dependent who was convicted of an offense
82.13 involving the possession or sale of cannabis or marijuana prior to May 1, 2023;

82.14 (3) was a dependent of an individual who was convicted of an offense involving the
82.15 possession or sale of cannabis or marijuana prior to May 1, 2023;

82.16 (4) is a military veteran, including a service-disabled veteran, current or former member
82.17 of the national guard;

82.18 (5) is a military veteran or current or former member of the national guard who lost
82.19 honorable status due to an offense involving the possession or sale of cannabis or marijuana;

82.20 (6) has been a resident for the last five years of one or more subareas, such as census
82.21 tracts or neighborhoods:

82.22 (i) that experienced a disproportionately large amount of cannabis enforcement as
82.23 determined by the study conducted by the office pursuant to section 342.04, paragraph (b),
82.24 or another report based on federal or state data on arrests or convictions;

82.25 (ii) where the poverty rate was 20 percent or more;

82.26 (iii) where the median family income did not exceed 80 percent of the statewide median
82.27 family income or, if in a metropolitan area, did not exceed the greater of 80 percent of the
82.28 statewide median family income or 80 percent of the median family income for that
82.29 metropolitan area;

82.30 (iv) where at least 20 percent of the households receive assistance through the
82.31 Supplemental Nutrition Assistance Program; or

83.1 (v) where the population has a high level of vulnerability according to the Centers for
83.2 Disease Control and Prevention and Agency for Toxic Substances and Disease Registry
83.3 (CDC/ATSDR) Social Vulnerability Index; or

83.4 (7) has participated in the business operation of a farm for at least three years and
83.5 currently provides the majority of the day-to-day physical labor and management of a farm
83.6 that had gross farm sales of at least \$5,000 but not more than \$100,000 in the previous year.

83.7 (b) The qualifications described in paragraph (a) apply to each individual applicant or,
83.8 in the case of a business entity, apply to at least 65 percent of the controlling ownership of
83.9 the business entity.

83.10 Sec. 2. Minnesota Statutes 2024, section 342.37, is amended by adding a subdivision to
83.11 read:

83.12 Subd. 2a. **Cannabis testing facility licenses.** (a) Pending an applicant's accreditation
83.13 by a laboratory accrediting organization approved by the office, the office may issue or
83.14 renew a cannabis testing facility license for an applicant that is a person, cooperative, or
83.15 business if the applicant:

83.16 (1) submits documentation to the office demonstrating that the applicant has a signed
83.17 contract with a laboratory accreditation organization approved by the office, has scheduled
83.18 an audit, and is making progress toward accreditation by a laboratory accrediting organization
83.19 approved by the office according to the standards of the most recent edition of ISO/IEC
83.20 17025: General Requirements for the Competence of Testing and Calibration Laboratories;

83.21 (2) passes a final site inspection conducted by the office; and

83.22 (3) meets all other licensing requirements according to chapter 342 and Minnesota Rules.

83.23 (b) After receiving a license under this section, a license holder may operate a cannabis
83.24 testing facility up to one year with pending accreditation status.

83.25 (c) If, after one year, a license holder continues to have pending accreditation status, the
83.26 license holder may apply for a onetime extension to continue operations for up to six months.
83.27 The office may grant an extension under this paragraph to a license holder if the license
83.28 holder:

83.29 (1) passes a follow-up site inspection conducted by the office;

83.30 (2) submits an initial audit report from a laboratory accrediting organization approved
83.31 by the office; and

83.32 (3) submits any additional information requested by the office.

84.1 (d) The office may revoke a cannabis testing facility license held by a license holder
84.2 with pending accreditation status if the office determines or has reason to believe that the
84.3 license holder:

84.4 (1) is not making progress toward accreditation; or

84.5 (2) has violated a cannabis testing requirement, an ownership requirement, or an
84.6 operational requirement in chapter 342 or Minnesota Rules.

84.7 (e) The office must not issue or renew a cannabis testing facility license under this
84.8 subdivision for a license holder if the license holder's accreditation has been suspended or
84.9 revoked by a laboratory accrediting organization.

84.10 Sec. 3. Minnesota Statutes 2024, section 342.37, is amended by adding a subdivision to
84.11 read:

84.12 Subd. 2b. **Loss of accreditation.** (a) A license holder must report loss of accreditation
84.13 to the office within 24 hours of receiving notice of the loss of accreditation.

84.14 (b) The office must immediately revoke a license holder's license upon receiving notice
84.15 that the license holder has lost accreditation.

84.16 **ARTICLE 7**

84.17 **CONSUMER PROTECTION**

84.18 Section 1. Minnesota Statutes 2024, section 116.943, subdivision 1, is amended to read:

84.19 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
84.20 the meanings given.

84.21 (b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

84.22 (c) "Air care product" means a chemically formulated consumer product labeled to
84.23 indicate that the purpose of the product is to enhance or condition the indoor environment
84.24 by eliminating odors or freshening the air.

84.25 (d) "Automotive maintenance product" means a chemically formulated consumer product
84.26 labeled to indicate that the purpose of the product is to maintain the appearance of a motor
84.27 vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior
84.28 or interior surfaces of motor vehicles. Automotive maintenance product does not include
84.29 automotive paint or paint repair products.

84.30 (e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

85.1 (f) "Cleaning product" means a finished product used primarily for domestic, commercial,
85.2 or institutional cleaning purposes, including but not limited to an air care product, an
85.3 automotive maintenance product, a general cleaning product, or a polish or floor maintenance
85.4 product.

85.5 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

85.6 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,
85.7 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,
85.8 baking sheets, baking molds, trays, bowls, and cooking utensils.

85.9 (i) "Cosmetic" means articles, excluding soap:

85.10 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
85.11 applied to the human body or any part thereof for the purpose of cleansing, beautifying,
85.12 promoting attractiveness, or altering the appearance; and

85.13 (2) intended for use as a component of any such article.

85.14 (j) "Currently unavoidable use" means a use of PFAS that the commissioner has
85.15 determined by rule under this section to be essential for health, safety, or the functioning
85.16 of society and for which alternatives are not reasonably available.

85.17 (k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
85.18 characteristics, including but not limited to stain resistance or water resistance.

85.19 (l) "Intentionally added" means PFAS deliberately added during the manufacture of a
85.20 product where the continued presence of PFAS is desired in the final product or one of the
85.21 product's components to perform a specific function.

85.22 (m) "Juvenile product" means a product designed or marketed for use by infants and
85.23 children under 12 years of age:

85.24 (1) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;
85.25 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;
85.26 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant
85.27 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
85.28 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;
85.29 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable
85.30 crib; stroller; and toddler mattress; ~~and~~

85.31 (2) not including a children's electronic product such as a personal computer, audio and
85.32 video equipment, calculator, wireless phone, game console, handheld device incorporating

86.1 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,
86.2 or power cord; or an adult mattress; and

86.3 (3) not including:

86.4 (i) an off-highway vehicle made for children;

86.5 (ii) an all-terrain vehicle made for children;

86.6 (iii) an off-highway motorcycle made for children;

86.7 (iv) a snowmobile made for children;

86.8 (v) an electric-assisted bicycle made for children; or

86.9 (vi) a replacement part for a vehicle described in items (i) to (v).

86.10 (n) "Manufacturer" means the person that creates or produces a product or whose brand
86.11 name is affixed to the product. In the case of a product imported into the United States,
86.12 manufacturer includes the importer or first domestic distributor of the product if the person
86.13 that manufactured or assembled the product or whose brand name is affixed to the product
86.14 does not have a presence in the United States.

86.15 (o) "Medical device" has the meaning given "device" under United States Code, title
86.16 21, section 321, subsection (h).

86.17 (p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of
86.18 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

86.19 (q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared
86.20 for sale to consumers, including but not limited to its product components, sold or distributed
86.21 for personal, residential, commercial, or industrial use, including for use in making other
86.22 products.

86.23 (r) "Product component" means an identifiable component of a product, regardless of
86.24 whether the manufacturer of the product is the manufacturer of the component.

86.25 (s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but
86.26 not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes
86.27 related tuning products.

86.28 (t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn,
86.29 or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose,
86.30 nylon, and polyester.

87.1 (u) "Textile furnishings" means textile goods of a type customarily used in households
87.2 and businesses, including but not limited to draperies, floor coverings, furnishings, bedding,
87.3 towels, and tablecloths.

87.4 (v) "Upholstered furniture" means an article of furniture that is designed to be used for
87.5 sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling
87.6 material.

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

87.8 Sec. 2. Minnesota Statutes 2024, section 116.943, subdivision 5, is amended to read:

87.9 Subd. 5. **Prohibitions.** (a) Beginning January 1, 2025, a person may not sell, offer for
87.10 sale, or distribute for sale in this state the following products if the product contains
87.11 intentionally added PFAS:

87.12 (1) carpets or rugs;

87.13 (2) cleaning products;

87.14 (3) cookware;

87.15 (4) cosmetics;

87.16 (5) dental floss;

87.17 (6) fabric treatments;

87.18 (7) juvenile products;

87.19 (8) menstruation products;

87.20 (9) textile furnishings;

87.21 (10) ski wax; or

87.22 (11) upholstered furniture.

87.23 **(b) Paragraph (a) does not prohibit the sale, offering for sale, or distribution of a product**
87.24 **that contains intentionally added PFAS only in internal components that do not come into**
87.25 **direct contact with a person's skin or mouth during reasonably foreseeable use or abuse of**
87.26 **the product.**

87.27 ~~(b)~~ **(c)** The commissioner may by rule identify additional products by category or use
87.28 that may not be sold, offered for sale, or distributed for sale in this state if they contain
87.29 intentionally added PFAS and designate effective dates. A prohibition adopted under this
87.30 paragraph must be effective no earlier than January 1, 2025, and no later than January 1,

2032. The commissioner must prioritize the prohibition of the sale of product categories that, in the commissioner's judgment, are most likely to contaminate or harm the state's environment and natural resources if they contain intentionally added PFAS.

~~(e)~~ (d) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for sale in this state any product that contains intentionally added PFAS, unless the commissioner has determined by rule that the use of PFAS in the product is a currently unavoidable use. The commissioner may specify specific products or product categories for which the commissioner has determined the use of PFAS is a currently unavoidable use. The commissioner may not determine that the use of PFAS in a product is a currently unavoidable use if the product is listed in paragraph (a).

~~(d)~~ (e) The commissioner may not take action under paragraph ~~(b)~~ (c) or ~~(e)~~ (d) with respect to a pesticide, as defined under chapter 18B, a fertilizer, an agricultural liming material, a plant amendment, or a soil amendment as defined under chapter 18C, unless the commissioner of agriculture approves the action.

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

Sec. 3. Minnesota Statutes 2024, section 325E.3892, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Covered product" means any of the following products or product components:

(1) jewelry;

(2) toys;

(3) cosmetics and personal care products;

(4) puzzles, board games, card games, and similar games;

(5) play sets and play structures;

(6) outdoor games;

(7) school supplies, except ink pens and mechanical pencils;

(8) pots and pans;

(9) cups, bowls, and other food containers;

(10) craft supplies and jewelry-making supplies;

89.1 (11) chalk, crayons, children's paints, and other art supplies except professional artist
89.2 materials, including but not limited to oil-based paints, water-based paints, paints, pastels,
89.3 pigments, ceramic glazes, and markers;

89.4 (12) fidget spinners;

89.5 (13) costumes, costume accessories, and children's and seasonal party supplies;

89.6 (14) ~~keys~~, key chains, and key rings; and

89.7 (15) clothing, footwear, headwear, and accessories.

89.8 (c) "Pastels" means a crayon composed of powdered pigments bonded with gum or resin.

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

89.10 Sec. 4. Minnesota Statutes 2024, section 325E.3892, subdivision 2, is amended to read:

89.11 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or
89.12 distribute or offer for use in this state any covered product containing:

89.13 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

89.14 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

89.15 (b) This section does not apply to:

89.16 (1) covered products containing lead or cadmium, or both, when regulation is preempted
89.17 by federal law; or

89.18 (2) covered products that contain lead only in solder used in internal components or in
89.19 pen tips so long as:

89.20 (i) the product is not imported, manufactured, sold, held for sale, distributed, or offered
89.21 for use in this state after July 1, 2028; and

89.22 (ii) the manufacturer of the product submits biennial reports to the commissioner of the
89.23 Pollution Control Agency that explain the barriers to removing lead from the product,
89.24 progress towards adoption of lead-free alternatives, and a timeline to fully adopt a lead-free
89.25 alternative.

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

89.27 Sec. 5. Minnesota Statutes 2024, section 325F.072, subdivision 3, is amended to read:

89.28 Subd. 3. **Prohibition.** (a) No person, political subdivision, or state agency shall
89.29 manufacture or knowingly sell, offer for sale, distribute for sale, or distribute for use in this

90.1 state, and no person shall use in this state, class B firefighting foam containing PFAS
90.2 chemicals.

90.3 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
90.4 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
90.5 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
90.6 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
90.7 January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
90.8 exempt under this paragraph effective one year after the day of revocation.

90.9 (c) This subdivision does not apply to the manufacture, sale, distribution, or use of class
90.10 B firefighting foam for purposes of use at an airport, as defined under section 360.013,
90.11 subdivision 39, until the state fire marshal makes a determination that:

90.12 (1) the Federal Aviation Administration has provided policy guidance on the transition
90.13 to fluorine-free firefighting foam;

90.14 (2) a fluorine-free firefighting foam product is included in the Federal Aviation
90.15 Administration's Qualified Product Database; and

90.16 (3) a firefighting foam product included in the database under clause (2) is commercially
90.17 available in quantities sufficient to reliably meet the requirements under Code of Federal
90.18 Regulations, title 14, part 139.

90.19 (d) Until the state fire marshal makes a determination under paragraph (c), the operator
90.20 of an airport using class B firefighting foam containing PFAS chemicals must, on or before
90.21 December 31 each calendar year, submit a report to the state fire marshal regarding the
90.22 status of the airport's conversion to class B firefighting foam products without intentionally
90.23 added PFAS, the disposal of class B firefighting foam products with intentionally added
90.24 PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

90.25 (e) Until January 1, 2028, this subdivision does not apply to the manufacture, sale,
90.26 distribution, or use of class B firefighting foam for use in hangar fixed firefighting systems
90.27 at an airport, as defined under section 360.013, subdivision 39. The commissioner of the
90.28 Pollution Control Agency, in consultation with the state fire marshal, may provide the
90.29 operator of an airport using class B firefighting foam containing PFAS chemicals one year
90.30 extensions beyond this date upon a showing that the need for additional time is beyond the
90.31 operator's control and that public safety and the environment will be protected during the
90.32 period of the extension."

90.33 Delete the title and insert:

91.1

"A bill for an act

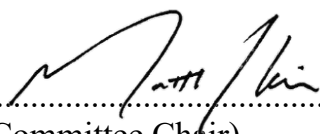
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relating to commerce; establishing a budget for the Department of Commerce; adding, modifying, and eliminating various provisions governing insurance, financial institutions, commercial regulations and consumer protection, and telecommunications; modifying cannabis provisions; modifying fees assessed by the Department of Commerce; establishing a common interest community ombudsperson and a common interest community register; classifying data; making technical changes; appropriating money; amending Minnesota Statutes 2024, sections 45.027, subdivisions 1, 2, by adding a subdivision; 45.24; 46A.04; 47.20, subdivisions 2, 4a, 8; 47.77; 53B.61; 55.07, by adding a subdivision; 58B.02, subdivision 8a; 58B.051; 60A.201, subdivision 2, by adding a subdivision; 60C.09, subdivision 2; 60D.09, by adding a subdivision; 60D.15, subdivisions 4, 7, by adding subdivisions; 60D.16, subdivision 2; 60D.17, subdivision 1; 60D.18, subdivision 3; 60D.19, subdivision 4, by adding subdivisions; 60D.20, subdivision 1; 60D.217; 60D.22, subdivisions 1, 3, 6, by adding a subdivision; 60D.24, subdivision 2; 60D.25; 62A.31, subdivisions 1r, 1w; 62A.65, subdivisions 1, 2, by adding a subdivision; 62D.12, subdivisions 2, 2a; 62D.121, subdivision 1; 62D.221, by adding a subdivision; 62J.26, subdivisions 1, 2, 3, by adding subdivisions; 62Q.73, subdivision 4; 65A.01, subdivision 3c; 72A.20, by adding a subdivision; 80A.65, subdivision 2; 80A.66; 80E.12; 116.943, subdivisions 1, 5; 168.27, by adding a subdivision; 216B.40; 216B.62, by adding a subdivision; 325E.3892, subdivisions 1, 2; 325F.072, subdivision 3; 325G.24, subdivision 2; 334.01, subdivision 2; 342.17; 342.37, by adding subdivisions; Laws 2023, chapter 63, article 9, section 5; proposing coding for new law in Minnesota Statutes, chapters 45; 60D; 62A; 168A; 216B; 237; 239; 325F; 515B."

91.26 And when so amended the bill do pass and be re-referred to the Committee on Finance.

91.27 Amendments adopted. Report adopted.

91.28
91.29


.....
(Committee Chair)

91.30
91.31

April 10, 2025.....
(Date of Committee recommendation)