



February 25th, 2026

Dear Co-Chair Koegel and Co-Chair O'Driscoll:

On behalf of the Minnesota Chamber of Commerce and our 6,300 members, thank you for the opportunity to provide feedback on HF 2700. I want to thank Representative Elkins for the work he did leading up to the hearing with his amendment. However, House File 2700 raises questions from a compliance and operational standpoint that we hope can be addressed as the bill moves forward.

The expansive definition of what constitutes health data, and its classification as sensitive data, creates new compliance needs for businesses which are not traditionally considered health-sector businesses. In this proposal, health data is defined so broadly that it creates uncertainty about what specific types of information are intended to be regulated. If retail purchase history that could reasonably be associated with a health condition is included, how are businesses expected to distinguish between ordinary purchases and regulated health data? For example, would the purchase of a back pain treatment guide, products containing CBD, sugar-free foods and beverages, protein supplements, melatonin or other products be treated as health data under the bill? Each of these could reflect a health condition tied to physical or mental health. Additional guardrails are needed to better distinguish between health data collected in a medical context from incidental retail data. With a definition as broad as the one that currently exists in the bill, transactions many wouldn't consider to be health data could be encapsulated in the bill.

In addition to creating the new health data definition, another goal of the legislation is to classify health data as sensitive data. This would automatically add heightened obligations to handlers of that data. These obligations include opt-in consent, limiting secondary uses of that data, data protection assessments, and other requirements under the existing Minnesota Consumer Data Privacy Act. This could require businesses to comply with the sensitive data protections over purchases many people wouldn't ordinarily associate with health data.

While the Minnesota Chamber of Commerce is committed to reasonable protections on consumer data, we believe there are outstanding questions that need to be addressed as the bill moves forward this session. I want to thank Representative Elkins for the time he has taken to engage with the business community, and I believe there is a pathway to find a more targeted approach to capture the intended data without capturing unintended commercial transactions. Thank you for your time.

Sincerely,

Jonathan Cotter
Director, Health Care and Commerce Policy