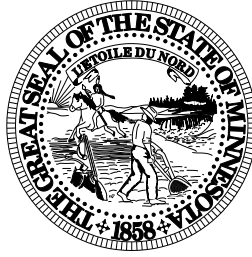


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Minnesota House of Representatives

Melissa Hortman, Speaker

FOR IMMEDIATE RELEASE

Date: July 18, 2023
Contact Mike Cook
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New Laws Effective Aug. 1, 2023

The following is a list of select new laws passed during the 2023 legislative session that take effect Aug. 1, 2023. The asterisk following the bill number denotes language that became law. Summaries of laws passed by the 2023 Legislature are available online from nonpartisan House Public Information Services at <http://www.house.mn.gov/newlaws/#/search/2023>.

AGRICULTURE

Technical, definitional changes

Many provisions in the agriculture finance and policy law take effect Aug. 1, 2023. Rep. Samantha Vang (DFL-Brooklyn Center) and Sen. Aric Putnam (DFL-St. Cloud) sponsor the law.

While the provisions are largely definitional and technical in nature, the law will also:

- let the Agriculture Department impose a technology surcharge — initially 5% with a minimum \$5 fee per transaction — on all license and permit transactions for which it charges a fee;
- permit a person working on behalf of an approved medical cannabis manufacturer to, under certain conditions, apply minimum risk pesticide for growing medical cannabis; and
- allow a nonprofit organization or an individual to offer for sale certified nursery stock and be exempt from the requirement to pay certificate fees.

HF2278/SF1955*/CH43

BUSINESS AND COMMERCE

New law aims to curb catalytic converter thefts

Beginning Aug. 1, 2023, it will be more difficult to sell stolen catalytic converters to scrap metal dealers, and dealers will be more accountable for accepting stolen goods.

Sponsored by Rep. Ruth Richardson (DFL-Mendota Heights) and Sen. John Marty (DFL-Roseville), the law prohibits the possession of a detached catalytic converter with a few narrow exceptions and provides that individuals found with illegally acquired detached catalytic converters could be charged with up to a felony. The number of catalytic converters possessed, purchased, or acquired by a person within any six-month period may be aggregated and the person charged accordingly.

Scrap metal dealers cannot purchase a catalytic converter not attached to a motor vehicle unless the catalytic converter contains identifying markings that can connect it to a vehicle.

A court will be required to include the costs of replacing a catalytic converter as a portion of any restitution ordered in a criminal case.

HF30*/SF5/CH15

Adult-use cannabis, expunges prior low-level cannabis convictions

Effective Aug. 1, 2023, adults at least age 21 can possess or publicly transport 2 ounces of adult-use cannabis flower, and up to 8 grams of cannabis concentrates. Adults can also possess up to 2 pounds of adult-use cannabis flower in their home. Limits on edible cannabis product possession are 800 milligrams of THC, the active ingredient in cannabis.

That is part of a law legalizing adult-use recreational cannabis.

Rep. Zack Stephenson (DFL-Coon Rapids) and Sen. Lindsey Port (DFL-Burnsville) sponsor the law which also has other provisions that take effect in August.

Among them, penalties are established for violating possession limits, making illegal cannabis sales, selling to a minor, and exceeding personal cultivation limits.

The law will also prohibit possession of opened cannabis products in a motor vehicle, similar to the existing “open bottle” law; specify that a person operating a motor vehicle gives implied consent to be tested for impairment; and require driver education courses to include information on the effects of cannabis consumption on the ability of a person to operate a motor vehicle.

Criminal records of Minnesotans with petty misdemeanor and misdemeanor cannabis convictions will begin to be expunged. Although the records are not destroyed, they are removed from public view and will not appear in criminal background checks.

The Bureau of Criminal Apprehension will identify low-level cannabis offenders whose records are in their system, seal those records, notify law enforcement and other agencies of the grant of expungement, and direct the judicial branch to expunge records. For felony or other cannabis convictions ineligible for automatic expungement, records will be examined on a case-by-case basis by a Cannabis Expungement Board.

The board will have power to determine whether a person’s felony cannabis conviction should be vacated, charges dismissed, records expunged, or if the person should be resentenced to a lesser offense.

HF100*/SF73/CH63

CIVIL LAW

Permitting electronic signatures on wills

A new law allows a will to be witnessed and, where allowed, electronically notarized and completed. It uses language from the Uniform Electronic Wills Act, which is model legislation from the Uniform Laws Commission.

Sponsored by Rep. Sandra Feist (DFL-New Brighton) and Sen. Bonnie Westlin (DFL-Plymouth), the law takes effect Aug. 1, 2023.

HF244*/SF1030/CH21

EDUCATION

Education policy changes to be implemented

Several policy changes in the education finance law take effect Aug. 1, 2023, including substantial modifications to active shooter drills.

For example, the law establishes requirements for active shooter drills, including that they be accessible and developmentally appropriate, and that time be provided for teachers to debrief with their students. Schools must provide notice to parents of pending active shooter drills before they are conducted, and a student must not be required to participate.

The law requires a school district or charter school conducting an active shooter drill to provide students in middle school and high school at least one hour, or one standard class period, of violence prevention training annually.

Other changes include:

- Tier 1, 2, and 3 teachers of world languages and culture, performing arts, and visual arts will be exempt from the requirement to hold a bachelor's degree;
- the Online Instruction Act will replace the Online Learning Act;
- Indigenous Peoples Day will replace Columbus Day on a list of holidays that a school district may conduct school, and at least one hour of the school program that day must be devoted to observance of the day;
- charter schools will have to abide by the Education for English Learners Act in the same manner as local districts and will have to make an enrollment preference for Minnesota residents, with admission for these in-state pupils being free; and
- higher education institutions participating in the postsecondary enrollment option program will no longer be allowed to require a faith statement from applicants for admission.

Rep. Cheryl Youakim (DFL-Hopkins) and Sen. Mary Kunesh (DFL-New Brighton) sponsor the law.
HF2497*/SF2684/CH55

ELECTIONS

Silencing secret spending

There has been an explosive growth in the number of political advertisements both for and against candidates during election seasons. However, not all groups behind such advertisements need to register with the state's Campaign Finance and Public Disclosure Board, such as if they supply an ad that simply says, for example, "Call Gov. Tim Walz and tell him to support/oppose" an issue.

Under current statute, "expressly advocating" requires communication to clearly identify a candidate and use words or phrases of express advocacy.

Effective Aug. 1, 2023, the law expands the definition to include political communication that does not use words or phrases such as "vote" or "vote against," but "when taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates."

The provision is part of the "Democracy for the People Act" sponsored by Rep. Emma Greenman (DFL-Mpls) and Sen. Liz Boldon (DFL-Rochester).

HF3*/SF3/CH34

EMPLOYMENT

Warehouse distribution center worker safety, other changes

Part of the economic development finance and policy law establishes worker safety requirements in warehouses.

Effective Aug. 1, 2023, the law will require a written description "understandable in plain language and in the language identified by each employee as the primary language of that employee," each quota they must meet and how it is measured. Potential adverse employment action that could result from failure to meet the quota must also be disclosed. An employer cannot take adverse employment action against an employee failing to meet a quota that has not been disclosed to the employee.

Among its other provisions are a prohibition on employers requiring employees to meet quotas that would interfere with compliance of required meal, rest, restroom break (including reasonable travel time), prayer periods, or otherwise prevent compliance with any Occupational Safety and Health Administration workplace safety standard.

Rep. Hodan Hassan (DFL-Mpls) and Senate President Bobby Joe Champion (DFL-Mpls) sponsor the law that has other provisions effective Aug. 1, 2023, that include:

- to tackle wage theft in the construction industry, general contractors will be held civilly liable for malfeasance committed by their hired subcontractors;
- employers will be prohibited from compelling employee attendance at meetings that discuss religious matters, political issues, or arguments against unionization; and
- fines will more than double for failing to post employees' rights posters in a workplace with willful or repeated violations as high as \$156,259 per violation; serious or nonserious violations will max out at \$15,625 per violation.

HF3028/SF3035*/CH53

Recommendations from the 2023 Workers' Compensation Advisory Council

A new largely technical law encodes into Minnesota statutes the recommendations from the Department of Labor and Industry's 2023 Workers' Compensation Advisory Council.

Rep. Dan Wolgamott (DFL-St. Cloud) and Sen. Jennifer McEwen (DFL-Duluth) sponsor the law that includes provisions taking effect Aug. 1, 2023, that:

- modify the definition of "insolvent self-insurer" and the ramifications of becoming insolvent;
- clarify the duties of a private self-insurer filing a voluntary or involuntary bankruptcy petition;
- clarify the conditions when an employer or insurer may require an injured employee to obtain a second medical opinion on the necessity of a nonemergency surgery;
- specify acceptable fees a health care provider can charge for producing medical records; and
- establish timelines for when results of a medical examination of an injured worker must be given to the worker.

HF2988*/SF3193/CH51

ENVIRONMENT

Lands bill becomes law

The Department of Natural Resources and counties received authorization to modify or exchange several land parcels around the state.

Sponsored by Rep. Rick Hansen (DFL-South St. Paul) and Sen. Fong Hawj (DFL-St. Paul), a new law modifies certain provisions applying to leases of tax-forfeited land, authorizes a land exchange between the National Guard and the City of Rosemount, and authorizes acquisition and divestment of public land, including the sale of parcels in Beltrami, Cass, Crow Wing, Fillmore, Goodhue, Hennepin, Itasca, Pine, St. Louis, and Sherburne counties.

Under the law, application fees may be waived by the Department of Natural Resources in some cases when issuing or releasing an easement. The legislation also clarifies that the DNR can lease land for recreational trails or facilities for a term of 30 years.

A county may lease tax-forfeited land for up to 25 years rather than 10 under previous law. The consideration amount for a lease is increased from \$12,000 to \$50,000. Counties may also lease tax-forfeited land for conservation easements.

HF50*/SF75/CH9

FAMILY

Codifying provisions of Indian Child Welfare Act in statute

The federal government established the Indian Child Welfare Act in 1978 to help end the practice begun in the 1800s of separating Native American children from their families. The Minnesota version was enacted in 1985 to strengthen and expand parts of the federal law. In the event future court decisions imperil the federal law, a new law mitigates the impact in Minnesota.

Sponsored by Rep. Heather Keeler (DFL-Moorhead) and Sen. Mary Kunesh (DFL-New Brighton), the law adds the federal provisions — including procedures and requirements for child protection, placement, and permanency proceedings — to state statutes.

Another provision sets forth a policy on tribal-state relations by which the state acknowledges federally recognized Indian Tribes as sovereign political entities that cannot be limited by state action.

HF1071/SF667*/CH16

HEALTH AND HUMAN SERVICES

Modifications to substance use disorder treatment

Effective Aug. 1, 2023, a new law will allow the supervised practice of alcohol and drug counseling by former students for 90 days from the former student's degree conferral date or from the last date of last credit received. This practice will automatically expire after 90 days.

Amending HIV training requirements in substance use disorder treatment programs, the law will require the Department of Human Services to outline HIV minimum standards training content, instead of providing training. An obsolete date will also be removed.

Furthermore, the law will modify withdrawal management license requirements to allow supervised living facilities with a Class A license, no longer just those with Class B licenses, to operate withdrawal management programs.

Lastly, altering substance use disorder treatment client record documentation, the law will require documentation of significant events within 24 hours of said event, not "on the day" of the event.

Rep. Luke Frederick (DFL-Mankato) and Sen. Jim Abeler (R-Anoka) sponsor the law.

HF1486*/SF1862/CH49

HIGHER EDUCATION

State's college financial aid programs undergo alterations

The Office of Higher Education is responsible for administering Minnesota's grant and loan programs for postsecondary students. A new law makes changes to the state's programs.

Rep. Gene Pelowski, Jr. (DFL-Winona) and Sen. Omar Fateh (DFL-Mpls) sponsor the law that takes effect Aug. 1, 2023.

One change is altering Minnesota's higher education attainment goal statute — which calls for 70% of Minnesotans aged 25 to 44 to have a postsecondary credential — to include workforce training credentials. The Department of Labor and Industry will assist in estimating the number of industry-recognized credentials in the state.

Two changes to the state grant program are in the law: To attain eligibility, students must not have been convicted of fraud in attaining Title IV funds, and an institution's data need only include student enrollment and state and financial aid if it is eligible to receive state financial aid or SELF Loans.

Private colleges that wish to opt out of the state's Fostering Independence grant program must continue providing benefits to enrolled students currently receiving them.

Tribal colleges will be defined in statute and added to the definition of "school," and they will be exempt from the requirements of the Private and Out-Of-State Public Postsecondary Education Act. The law also clarifies that schools exempt from that act's requirements are also exempt from those of the Private Career School Act.

Grant funds will be used to recruit, prepare, and support students currently underrepresented in the state's concurrent enrollment programs.

Eligibility for mineral research scholarships is altered to remove Mesabi Range Community and Technical College and add University of Minnesota programs at the Duluth campus and Minnesota North College — a cooperative of six community colleges. Allowable grant amounts are also increased and students from Minnesota Economic Development Region 3 are given priority to receive them.

HF1126*/SF1011/CH44

MILITARY AND VETERANS AFFAIRS

New deferred prosecution assessment process for current, former military members

Current and former military members charged with certain crimes will be able to learn whether they are eligible for deferred sentencing before a finding of guilt or innocence.

The Veterans Restorative Justice Act increases access to programs and treatment for veterans with a service-related condition that led or contributed to a conviction for a criminal offense. It helps create post-plea sentencing options to avoid jail time while providing eligible veterans the resources and assistance they need to successfully reintegrate into society.

Sponsored by Rep. Sandra Feist (DFL-New Brighton) and Sen. Nicole Mitchell (DFL-Woodbury), a new law effective Aug. 1, 2023, allows for deferred prosecution if the court finds clear and convincing evidence the defendant suffers from an applicable condition that stems from their service and caused them to commit the offense. Conditions such as substance abuse, trauma and traumatic brain injuries will qualify.

Defendants can request an eligibility assessment before a finding of guilt or entering a guilty plea and the court can make its finding based on information in the citation or complaint, and any accompanying police reports. If the court determines a defendant is eligible, and that person is subsequently found or pleads guilty, the court shall defer prosecution.

HF45*/SF292/CH19

PUBLIC SAFETY

Firearms background checks required, other policy

Effective Aug. 1, 2023, a law prohibits private transfers of pistols and semiautomatic military-style assault weapons without a firearms eligibility background check of the recipient.

Chief law enforcement officers must deny an application if, for example, there exists a substantial likelihood the proposed transferee is a danger to themselves or the public when in possession of a firearm.

The law will require a private party wanting to receive a pistol or semiautomatic military-style assault weapon from another private party to present a valid transferee permit or permit to carry and

government-issued identification. An exception to the record of transfer process is created for unlicensed parties to transfer weapons through a firearms dealer.

Also taking effect Aug. 1, 2023, the Minnesota Rehabilitation and Reinvestment Act is established. It will require the Department of Corrections to develop a personalized rehabilitation plan for every inmate with at least a year left to serve, including substance abuse treatment programs, sexual offender treatment, medical and mental health services, and vocational, employment and career, educational, and other rehabilitative programs. If an enrollee makes sufficient progress, their sentence could be reduced by up to 17%. Inmates serving life sentences will be ineligible for the program.

Other aspects of the law, sponsored by Rep. Kelly Moller (DFL-Shoreview) and Sen. Ron Latz (DFL-St. Louis Park), that take effect Aug. 1, 2023, include:

- prohibiting law enforcement agencies from retaliating against, or penalizing a peace officer who intercedes against or reports another officer's or employee's use of excessive force;
- establishing that a financial institution may release certain information to a law enforcement or prosecuting authority that certifies it is investigating an identity theft crime;
- requiring peace officers responding to emergency calls to carry at least two opiate antagonists (i.e., naloxone, naltrexone) to counteract a narcotics overdose;
- prohibiting peace officers from joining or supporting hate or extremist groups;
- creating a crime of organized retail theft and establishing penalties;
- allowing people who receive government benefits, are homeless, or eligible for legal aid services to retrieve their possessions from an impounded vehicle free of charge;
- expanding the definition of "killed in the line of duty" to include a public safety worker's death by suicide following a PTSD diagnosis or within 45 days of witnessing a traumatic event such as a mass shooting;
- permitting a person filing a name change after a divorce to go back to their pre-divorce name without a criminal history check;
- expanding the type of public safety workers eligible to be reimbursed for purchasing soft body armor to include firefighters and EMTs;
- strengthening laws prohibiting surreptitious observation or photographing that invades a person's privacy;
- permitting the prosecutor responsible for the prosecution of an individual convicted of a crime to commence a proceeding to lower that person's sentence;
- expanding the crime of an assault motivated by bias to include bias against a person due to the person's gender, gender identity, or gender expression;
- requiring landlords to disclose all non-optional fees in lease agreements; and
- limiting the length of probation to five years for most felony offenses and making that change apply retroactively.

HF2890/SF2909*/CH52

Crime of labor trafficking resulting in death encoded in statute

A new law creates a new crime of labor trafficking that results in death with a maximum penalty of 25 years in prison and a \$40,000 fine.

It also creates enhanced penalties for labor trafficking a person over an extended period or when a labor trafficking victim suffers great bodily harm because of the trafficking. This crime could be punished by up to 20 years in prison and a \$40,000 fine if the victim is under age 18, labor trafficking occurs over an extended period, or the victim suffers great bodily harm, and the harm was proximately caused by the labor trafficking conduct of the offender.

Some terminology is also updated to add clarity around what sort of acts rise to the level of force or coercion. Prior law focused more on physical harm and the threat of such harm; the new law adds more specificity to that type of harm and clarifies that psychological harm can be considered.

Rep. Sandra Feist (DFL-New Brighton) and Sen. Clare Oumou Verbeten (DFL-St. Paul) are the sponsors.

HF42*/SF133/CH27

New law criminalizes creating sex-related deep fake activity

Deep fake is audio or video of a person digitally altered so they are saying or doing something that in actuality did not happen. It is often done with a negative intent, such as spreading false information.

The victim can be unaware of what happened and only finds out after their reputation has been damaged or life turned upside down.

Effective Aug. 1, 2023, a new law aims to fight the misuse of artificial intelligence-generated video, images, and sound.

Sponsored by Rep. Zack Stephenson (DFL-Coon Rapids) and Sen. Erin Maye Quade (DFL-Apple Valley), the law will:

- establish a cause of action against someone for the intentional dissemination of a deep fake done without consent of the depicted individual and the deep fake realistically depicts intimate parts of another individual, artificially generated intimate parts presented as the intimate parts of the depicted individual, or the depicted individual engaging in a sexual act; and
- make it a crime to disseminate or enter into an agreement to disseminate a deep fake if the disseminator knows, or should know, it is a deep fake and dissemination occurs within 90 days of an election, is made without consent of the depicted person, and is made with the intent to hurt a candidate or influence the result of an election.

Consent to the deep fake's creation will not be a defense for unauthorized dissemination.

Immunity is established for internet service and similar providers.

HF1370*/SF1394/CH58

STATE GOVERNMENT

Minnesota Human Rights Act to prohibit hair discrimination

Racial discrimination prohibited under the Minnesota Human Rights Act will, effective Aug. 1, 2023, include discrimination based on "traits associated with race, including but not limited to hair texture and hair styles such as braids, locs, and twists." The text of the law is based on the CROWN Act: "Creating a Respectful and Open World for Natural Hair."

Rep. Esther Agbaje (DFL-Mpls) and Senate President Bobby Joe Champion (DFL-Mpls) are the sponsors.

HF37*/SF44/CH3

TRANSPORTATION

Bicycling changes, DVS employee protection

Bicyclists won't have to completely halt their progress at all stop signs beginning Aug. 1, 2023.

Per the transportation finance and policy law, "a bicycle operator who approaches a stop sign must slow to a speed that allows for stopping before entering the intersection or the nearest crosswalk.

... If there is not a vehicle in the vicinity, the operator may make a turn or proceed through the intersection without stopping.”

Rep. Frank Hornstein (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls) sponsor the law that contains other bicycle-related changes, including:

- designating the Mississippi River Trail Bikeway as a state bicycle route;
- the Jim Oberstar Bikeway, between St. Paul and the Canadian border, is designated as a state bicycle route;
- institutes riding rules for a bicyclist on a road to ride as close to the right-hand curb or edge of the road as the bicyclist deems safe;
- a bicyclist can turn right from the left side of dedicated right hand turn lane; and
- each district must provide public school students in grades K-8 with age-appropriate active transportation safety training. For all ages, the training must minimally include pedestrian safety, including crossing roads. For grades four through eight, training must include, at a minimum, “pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique; and bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques.”

The Department of Transportation must maintain a “comprehensive collection of active transportation safety training materials that meets the requirements.”

A criminal penalty is created for obstructing an employee of the Driver and Vehicle Services Division, a deputy registrar, or a driver’s license agent in their performance of duties. The penalty ranges from a misdemeanor to a felony depending on the circumstances. Peace officers, firefighters, and ambulance crews are already covered by such a law.

Other provisions in the law that take effect Aug. 1, 2023, include:

- further clarifying it is illegal to hold a cell phone while driving;
- creation of a special permit type to allow for overweight and over-width transport of raw or unfinished forest products;
- centralizing and creating new requirements for towing and recovery vehicle weight limits;
- MnDOT is to create a statewide electric vehicle infrastructure program “for the purpose of implementing the National Electric Vehicle Infrastructure Formula Program and successor programs to maximize the use of federal funds available to the state”; and
- establishing eligibility for driver’s license reinstatement for individuals whose license was suspended for violations that, due to a 2021 change, are no longer grounds for suspension.

HF2887*/SF3157/CH68