

**Subject** The Uniform Public Expression Protection Act

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## Overview

The Uniform Public Expression Protection Act (UPEPA) is a uniform law designed to prevent SLAPP lawsuits or strategic lawsuits against public participation which are generally viewed as being in opposition with first amendment rights or the right to free speech, press, assembly, petition, or association. Minnesota previously had an Anti-SLAPP law, but it was found to be unconstitutional in 2017. The UPEPA has been enacted in six states: Hawaii, Kentucky, New Jersey, Oregon, Utah, and Washington.

## Summary

Section	Description
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1	<b>Short title.</b>
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Allows the provisions in this bill to be referred to as the Uniform Public Expression Protection Act (UPEPA).

2	<b>Scope.</b>
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Provides definitions for goods and services excluding artistic, political, and journalism as disseminations, exhibits, and advertisements.

This section provides that the UPEPA apply when a person is being sued in a civil case based on the person communicating with political or government entities, or otherwise exercising their first amendment rights of freedom of speech, press, assembly, or association.

*Exceptions.* This section provides that UPEPA *does not apply*:

- to a government unit or employee of the government acting in their official capacity;
- against a person providing goods and services if the communication relates to the sale of goods and services;

Section	Description
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- against a person who is the victim of crime when the suit is brought by the perpetrator;
- against a person in a civil suit that is seeking to clarify ownership of real property;
- to a court action for injuries or wrongful death or statements around those injuries, unless the claims are related to a damage to reputation;
- related to an insurance claim or insurance contract;
- to a civil claim based on fraud;
- to actions brought under the marriage chapter, the uniform community property chapter, a criminal no contact order, or an order for protection (OFP) based on sexual assault, or an OFP based on crimes against vulnerable adults;
- to cases brought under the Fair Labor Standards Act and related labor laws, wrongful discharge, whistleblowing, enforcement of employee rights, and related laws;
- consumer protection claims; and
- claims brought under federal law.

This section also provides exceptions to those exceptions by providing that *the UPEPA does apply* when a legal action is based on the sale of goods or services, fraud, or consumer protection statutes, and is a legal action against a person arising from their exercise of communicating to the public through artistic, political, or journalist work, or consumer opinions and rating of businesses.

**3 Special motion for expedited relief.**

Allows a party who is sued, when the UPEPA would apply, to file a motion for expedited relief to request that the court dismiss the action. The motion should be brought within 60 days of service but may be later for good cause.

**4 Stay.**

Provides that when a motion for expedited relief is filed to dismiss the action, discovery and pending hearing motions are stayed until the action under the UPEPA are resolved, including an appeal, subject to exceptions provided in this section.

**5 Hearing.**

Requires the court to hear a motion for expedited relief within 60 days.

**6 Proof.**

Provides that the court shall rely on filings to determine a matter brought under the UPEPA.

<b>Section</b>	<b>Description</b>
7	<b>Dismiss of cause of action in whole or part.</b> Requires the court to dismiss an action with prejudice if they establish that the UPEPA does apply and the responding party failed to establish a prima facie case or there is no cause of action upon which relief can be granted or there is no genuine issue of material fact.
8	<b>Ruling.</b> Requires the court to issue a ruling on a motion under the UPEPA within 60 days.
9	<b>Appeal.</b> Allows the moving party to appeal as a matter of right an order denying a motion within 30 days of the entry of the order.
10	<b>Costs, attorneys fees, and expenses.</b> Allows the party filing a motion under the UPEPA to get attorneys fees and costs if they prevail on the motion, and for the defending party to get attorneys fees if the filing party's motion was frivolous or filed to delay the proceedings in another matter.
11	<b>Construction.</b> Provides that the UPEPA should be broadly construed to protect first amendment rights under the state and federal constitution.
12	<b>Uniformity of application and construction.</b> Provides that the UPEPA should be uniformly applied by the states who enact it.
13	<b>Savings clause.</b> Provides that the UPEPA does not affect actions brought before the effective date of these sections.
14	<b>No waiver of other pleadings or defenses.</b> Provides that a motion for expedited relief under the UPEPA does not waive a defense or preclude other filings regarding the cause of action.
15	<b>Revisor instruction.</b> Provides the revisor of statutes shall prepare additional legislation for needed conforming changes based on the UPEPA.
16	<b>Repealer.</b> Repeals Minnesota's previous Anti-SLAPP statutes, sections 554.01 to 554.06.

Section	Description
17	<b>Effective date.</b> Provides that the UPEPA is effective the day following final enactment and applies to actions pending or commenced on or after that date.



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