

**Subject** Consumer protection: the Consumer Data Privacy Act

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## Overview

This bill makes several changes to the Minnesota Consumer Data Privacy Act (CDPA), a consumer-protection law that the legislature passed in 2024, and which became effective on July 31, 2025. Key changes made by the bill includes:

- making “health data” a form of sensitive data that receives certain heightened protections;
- adding a new definition of “sharing” that is distinct from the existing term “selling”;
- removing a general exemption for small businesses;
- adding new restrictions on sharing or selling a consumer’s sensitive data;
- prohibiting certain uses of a digital “geofence” around an entity that provides in-person health care services; and
- expanding the application of the CDPA to any entity that controls or processes sensitive data.

## Summary

Section	Description
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1	<b>Definitions.</b>
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	Amends the CDPA to add certain new definitions including for “health data” and “geofence.” Adds a definition of “sharing” which is distinguished from “selling.” Makes health data a form of “sensitive data” under the CDPA.
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2	<b>Scope; exclusions.</b>
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	Exempts the new statute created by section 4 of the bill from the thresholds prescribed by subdivision 1. Clarifies certain exclusions related to information that is currently regulated as health information or health records under federal and state laws. Removes an exemption for small businesses. Makes a conforming correction to a cross-reference.
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Section	Description
3	<p><b>Use of data.</b></p> <p>Modifies the consent requirement for the processing and the sharing of sensitive data (the sale of sensitive data is addressed in section 4 of the bill). Adds new consumer consent requirements regarding the sharing of sensitive data.</p>
4	<p><b>Requirements for the sale of sensitive data.</b></p> <p>Creates a new section within the CDPA regulating the sale of sensitive data.</p> <p><b>Subd. 1. Scope; exclusions.</b> Applies the CDPA generally to any entity that conducts business in Minnesota and is a controller or processor of sensitive data, subject to the general exclusions in § 325M.12, subd. 2.</p> <p><b>Subd. 2. Requirements specific to the sale of sensitive data.</b> Requires a consumer’s authorization to sell the consumer’s sensitive data (the processing and sharing of sensitive data is addressed in section 3 of the bill). Imposes requirements for a valid authorization.</p>
5	<p><b>Geofence restrictions.</b></p> <p>Creates a new section within the CDPA prohibiting certain uses of a geofence (a newly defined term under section 1 of the bill) around an entity that provides in-person health care services or supplies (another newly defined term under section 1).</p>
6	<p><b>Data privacy policies; data privacy and protection assessments.</b></p> <p>Makes conforming changes to the existing CDPA section regarding entities’ data privacy policies and their required data privacy and protection assessments.</p>
7	<p><b>Attorney general enforcement.</b></p> <p>Allows the attorney general to enforce certain applicable provisions (e.g. subdivision 2 in section 4 of the bill; section 5 of the bill) of the CDPA against persons who may not qualify as “controllers” or “processors” under the CDPA.</p>
8	<p><b>Repealer.</b></p> <p>Repeals § 325M.17, which prohibits a small business from selling a consumer’s sensitive data without the consumer’s prior consent. This issue is now addressed in the statutory section created by section 4 of the bill.</p>
9	<p><b>Effective date.</b></p> <p>Makes the changes in the bill effective July 31, 2025. Delays application to postsecondary institutions until July 31, 2029.</p>

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