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# Minnesota House of Representatives

Kurt Daudt, Speaker

FOR IMMEDIATE RELEASE

Date: July 17, 2018  
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## New Laws Effective Aug. 1, 2018

*The following is a list of select new laws passed during the 2018 legislative session that take effect Aug. 1, 2018. The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2018 Legislature are available online from nonpartisan House Public Information Services at <http://www.house.mn/newlaws/#/search/2018>.*

### AGRICULTURE

#### **Exemptions broadened for transport of agricultural commodities**

A new law will broaden exemptions to rules that regulate agricultural transportation.

Sponsored by Rep. Tim Miller (R-Prinsburg) and Sen. Andrew Lang (R-Olivia), the law expands the definition of harvest season to year-round for an hours of service exemption in intrastate transportation of agricultural commodities and farm supplies within a 150-mile radius.

Hours of service requirements are federal regulations governing the amount of driving time, rest periods and logging of on-duty and rest times for commercial motor carriers.

The law also incorporates a federal exemption into state statute to establish a year-round harvest season. That has the effect of applying a federal exemption from hours of service rules governing interstate transportation of agricultural commodities and farm supplies.

HF3548\*/SF3405/CH171

### BUSINESS AND COMMERCE

#### **Making contractors, insurance adjusters estimates more transparent**

A new law will require residential contractors and insurance adjusters to provide consumers with written notification in the initial home repair estimate that they cannot cover any part of the insurance deductible.

Residential contractors — roofers, building contractors and remodelers — who work on insurance-claimed properties already cannot build the deductible into their estimates.

The new law, sponsored by Rep. Jeff Howe (R-Rockville) and Sen. Karin Housley (R-St. Marys Point), requires the estimates to point to that prohibition in statute.

HF2899\*/SF3188/CH209

### **Clearer provisions in vehicle service contracts**

Sponsored by Rep. Tim O’Driscoll (R-Sartell) and Sen. Mark Koran (R-North Branch), a new law adds provisions to what should be included in motor vehicle service contracts, including tire or wheel replacement, scratches and dents, windshield cracks or chips caused by road hazards, and key fob replacements. The law also defines what “road hazards” are for insurance purposes.

Minnesota joins about 30 other states in conforming its law to what should be included in roadside repairs.

HF3418\*/SF3524/CH112

### **Credit unions granted new ways to handle internal policies**

A new law updates how state-chartered credit unions can handle internal policies, from amending bylaws to expelling members.

Sponsored by Rep. Randy Jessup (R-Shoreview) and Sen. David Senjem (R-Rochester), the law allows a state-chartered credit union to adopt, amend or repeal bylaws if at least 3 percent of its members propose a resolution, and members can now vote electronically. The law also allows the credit union’s directors to amend bylaws and certificate of organization by a two-thirds vote.

Under the law, a credit union’s board can expel members who violate the membership agreement, attempt fraud or perform other illegal or inappropriate behavior like physical or verbal abuse toward its staff.

HF3224\*/SF2843/CH110

### **Real estate appraiser advisory board established**

A real estate appraisal advisory board is to be established as a connection between that community and the Department of Commerce.

Consisting of seven members, who must be at least five-year residents of Minnesota representing the “geographic distribution of the population,” the board will meet at least quarterly and must comply with the open meeting law.

Sponsored by Rep. Tim O’Driscoll (R-Sartell) and Sen. Bill Weber (R-Luverne), the law requires the commerce commissioner to provide a quarterly report to the board with a summarized list of appraisal courses and seminars not approved, along with the reasoning for denial, and any public disciplinary actions the state hands down to real estate appraisers.

Of the seven members, one is required to be a certified general real property appraiser, two are required to be certified residential real property appraisers, and three more — one of each — must be a real estate broker, an appraisal management company representative and a member of the general public with knowledge of real estate. The commissioner is also a member.

The first appointments must be made by Sept. 1, 2018.

HF2829/SF2991\*/CH173

## **CONSUMERS**

### **‘Safe Seniors Act’ intended to help fight financial fraud**

Pitched as senior citizen consumer protections, the so-called “Safe Seniors Act” will give broker dealers and investment advisors the authority to report suspected financial exploitation of seniors to the Department of Commerce or the Minnesota Adult Abuse Reporting Center.

Investment advisors and broker dealers can often see when someone is trying to financially exploit seniors or other vulnerable populations — individuals 65 and older, according to the law, or legally defined as vulnerable — and the act will give them the ability to report the potential threats to the state, followed by giving law enforcement an opportunity to intervene. Abuse-reporters will have protection from civil and administrative liability.

The law will allow a broker dealer or investment advisor to freeze seniors' accounts or delay disbursements if they believe financial exploitation has occurred or will occur

Rep. Joe Schomacker (R-Luverne) and Sen. Karin Housley (R-St. Marys Point) are the sponsors.  
HF3833\*/SF919/CH161

## **ENERGY**

### **Modifications made to biodiesel laws**

Fuel refiners and blenders will have a few more days to make their annual transition from one type of biodiesel fuel to another.

State law requires diesel fuel sold in Minnesota to contain a certain percentage of biodiesel, a plant-based fuel that can be made from soybeans. The law requires that percentage to grow over time as biodiesel production capacity in the state increases. On May 1, 2018, the percentage of biodiesel that must be included in Number 2 diesel fuel jumped from 10 percent (B10) to 20 percent (B20).

However, because of concerns over how diesel fuel with the B10/B20 blend performs in cold weather, the law says that during winter months, October through March, a lower blend of biodiesel, B5, is to be used. This creates challenges for facilities that blend and refine the fuel and must each year transition between the different blends.

Sponsored by Rep. Paul Anderson (R-Starbuck) and Sen. Bill Weber (R-Luverne), the new law allows those facilities to have a two-week period, April 1-14, to ramp up production of the B20 blend. By April 1 a B10 blend must be reached, then rise to a B20 blend after April 14.

The law also makes permanent an exemption from the biodiesel blend for Number 1 diesel fuel, used by many truck drivers, which was set to expire.

HF3523/SF3596\*/CH133

## **ENVIRONMENT AND NATURAL RESOURCES**

### **Fence and barrier exemptions provided for closed mines**

Closed and abandoned mines will no longer be held to certain fence, barrier and sign requirements if the property is used for recreational or economic development purposes.

Sponsored by Rep. Jason Metsa (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm), the new law maintains requirements to erect fencing, barriers and signs around excavation pits and mine shafts where mining operations have ceased. But it provides an exemption for property owned by the Iron Range Resources and Rehabilitation Board, property used for grant-in-aid trails, property owned by a municipality for park and recreational purposes, and property for certain economic development projects.

HF3089\*/SF2741/CH154

### **\$850 million 3M settlement terms are codified**

One of the biggest stories of the 2018 session broke on its first day, when a settlement was reached between 3M Company and the State of Minnesota, following an eight-year lawsuit in which the state alleged 3M's use and development of perfluorochemicals had been contaminating drinking water since the 1950s.

Sponsored by Rep. Kelly Fenton (R-Woodbury) and Sen. Karin Housley (R-St. Marys Point), a new law puts terms of the settlement agreement into law. Establishment of a water sustainability account took effect May 30, 2018.

Under the agreement, an \$850 million grant payment from 3M will be used to fund clean drinking water and natural resource projects in an area that “includes but is not limited to the cities of Woodbury, Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships of West Lakeland and Grey Cloud Island.”

Grant trustees are the Pollution Control Agency and Department of Natural Resources.

A majority of the funds, \$720 million, will immediately be available to provide long-term solutions to restore natural resources and provide the area’s 157,000 residents and businesses with clean drinking water. Measures to do so include treating contaminated wells, connecting homes with private wells to municipal sources and providing alternative sources of drinking water.

The PCA will be required to issue a report to the Legislature by Jan. 15 each year on the testing for private wells in the designated area and the total amount spent for testing private wells in each community. Also by Jan. 15 each year, the PCA must report to each community in the east metropolitan area a results summary for the testing of private wells in the community.

Additionally, the PCA must create a website that includes, at least: the process for private and public well sampling; an interactive map showing locations of Health Department well advisories and areas projected to be sampled; and how to contact the department or PCA for more sampling information.

HF3660\*/SF3202/CH204

## FAMILY

### **Sibling bill of rights is now law**

A so-called “bill of rights” will ensure siblings in foster care get to visit each other.

Sponsored by Rep. Ron Kresha (R-Little Falls) and Sen. Jerry Relph (R-St. Cloud), the new law establishes a set of rights for foster care children, including the right to be placed with their siblings when possible and to visit their siblings.

Child welfare agency staff will be required to give a copy of the bill of rights to children upon entry into foster care. The law does not specify ramifications if the rights are violated.

Foster family license holders and caregivers, and foster residence staff are required to undergo at least one hour of training on fetal alcohol spectrum disorders per year. The new law says this must be counted towards the 12 hours of annual training required.

The Minnesota Assessment of Parenting for Children and Youth tool is used to determine eligibility for Northstar Care for Children benefits. The new law requires the Department of Human Services, in consultation with representatives from communities of color, to review and revise the MAPCY tool to incorporate the diverse needs of different cultures and communities.

HF3265\*/SF2902/CH188

### **Unmarried parents receive same rights as divorced couples in child custody process**

Instead of going through a lengthy court battle, unmarried parents filing for joint child custody will be afforded the same rights as divorced parents.

A new law will allow unmarried parents to file joint petitions for custody, parenting time and child support in family court when all the parties agree on the terms. Before the law, only formerly married parents could use the expedited process.

Unmarried parents will now be able to file the joint petition without a summons, so long as the petition includes a recognition of parentage that says there isn’t any other alleged or presumed father.

The law, sponsored by Rep. Peggy Scott (R-Andover) and Sen. Mary Kiffmeyer (R-Big Lake), will allow unmarried parents to appear in a hearing before a judge, but not have to go through the entire family court process.

HF3295\*/SF3192/CH127

### **Legal presumption in child support law reversed**

In child support law, a court can modify an arrangement's terms if it's determined to be "unreasonable" or "unfair." And any time a law is passed affecting those "unreasonable" or "unfair" terms in child support orders, the court legally presumes it to be "not substantial."

A new law sponsored by Rep. Peggy Scott (R-Andover) and Sen. Mary Kiffmeyer (R-Big Lake) flips that legal presumption so any modifications in child support law will be presumed to be a substantial change in circumstances in child support orders.

HF3389\*/SF2885/CH118

### **Day cares don't have to post correction orders**

Child care providers will no longer have to publicly post the correction orders handed down from the Department of Human Services.

Existing law requires licensed family child care providers and child care centers to post a correction order, or order of conditional license, in a visible place in the facility for two years, with some exceptions.

Because correction orders are already posted online, posting physical copies is duplicative, said Rep. Duane Quam (R-Byron), who sponsors the law with Sen. Carla Nelson (R-Rochester).

HF3015\*/SF3058/CH153

## **HEALTH AND HUMAN SERVICES**

### **Health savings accounts now protected from creditors**

Creditors will no longer be able to target health savings accounts in attempting to collect debts.

Sponsored by Rep. Mary Franson (R-Alexandria) and Sen. Roger Chamberlain (R-Lino Lakes), a new law allows protection for up to \$25,000 in health or medical savings accounts, joining a list of exempted property like the family Bible, some farming equipment and public assistance.

Health savings accounts are defined by the federal Internal Revenue Code.

The new exemption doesn't apply to debts from marital asset divisions or support orders.

HF2391\*/SF2556/CH111

### **Mental health provider requirements altered**

A new law changes requirements in the multiple avenues whereby a person can qualify as a mental health practitioner. Most notably, it adds work with traumatic brain injury victims, substance abuse disorders and developmental disabilities to work hours that satisfy qualification requirements.

The law also clarifies that a practitioner who treats children must have experience or training treating children, and a practitioner who treats adults must have a background in the treatment of adults.

Under the new law, people can become certified mental health practitioners through coursework, which requires 30 semester hours or 45 quarter hours in behavioral sciences or related fields, 2,000 hours of supervised work experience, and work in a day treatment program or an internship.

They can also become certified mental health practitioners through work experience: the new law cuts the total amount of supervised hours to qualify through this path from 6,000 to 4,000. They can also qualify via a graduate student internship. Additionally, they can qualify via holding a bachelor's degree with an internship, or master's degree.

Rep. Tony Albright (R-Prior Lake) and Sen. Julie Rosen (R-Vernon Center) are the sponsors.

HF3432/SF3066\*/CH128

### **State to count stillbirths along with live births**

A new law will count birth defects in stillborn babies when tabulating birth defects in the state.

Sponsored by Rep. Deb Kiel (R-Crookston) and Sen. Jim Abeler (R-Anoka), the law includes reporting provisions on stillborn babies with those on live babies. It also requires the Department of Health to inform parents of a child with birth defects of “the privacy implications” of the department maintaining records about their child.

HF3689\*/SF2662/CH152

### **Child care providers to get a break from mandated training**

Sponsored by Rep. Mary Franson (R-Alexandria) and Sen. Andrew Lang (R-Olivia), a new law exempts certain child care providers from the positive support strategies rule.

“Positive support strategies” in the context of human services means treatment that is ethical, person-centered and integrates the patient with the community. The administrative rule from the Department of Human Services says it’s intended to make sure “people are free from humiliating and demeaning procedures.”

The positive support strategies rule prohibits home and community-based care and other providers licensed by the department, serving persons with developmental disabilities or related conditions, from “using punishment of any kind” as well as “speaking to a person in a manner that ridicules, demeans, threatens, or is abusive,” among other things.

The training section of the rule mandates that providers receive eight hours of training on topics including cultural competence, de-escalation techniques, appropriate use of restraints, and when staff is required to call 911.

Licensed child care programs serving children with developmental disabilities or related conditions will not have to follow the rule. Instead, they must follow the child’s individual child care program plan or individualized education program under existing Minnesota law.

HF3253/SF2685\*/CH163

### **Regions Hospital receives permission to expand**

A new law will give Regions Hospital in St. Paul the state’s blessing to build an expansion that is expected to add 60 beds to its facility.

The exception to a decades-old law banning the construction of new hospitals is sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Michelle Benson (R-Ham Lake). This is the 28th exception in the 34-year history of the moratorium.

Under the law, the hospital is to add 55 licensed beds — 15 for inpatient mental health and 40 for other services. Five unlicensed observation mental health beds are also to be added.

HF3202\*/SF2892/CH199

### **Child care reforms to be studied**

The Department of Human Services will be ordered to consider reforming child care provider regulations.

Rep. Roz Peterson (R-Lakeville) and Sen. Bill Weber (R-Luverne) sponsor a new law that requires the department to include a review of progress studying possible reforms in its annual report due the Legislature by the end of January 2019.

In addition to the review, the law will require some tweaks to existing regulations. It will mandate the department consider variances to child care staff requirements and will modify circumstances under which a child care license holder must provide written notice to parents for insurance changes. It will do so by specifying that if a license holder has an automatically-renewing policy, including the annual renewal date in the initial parental notice is sufficient and valid until the insurance coverage changes or the policy lapses.

HF3403/SF3310\*/CH200

## LOCAL GOVERNMENT

### **Towns can provide grants to community food shelves**

A new law will allow towns to grant money to community food shelves, putting them on the same level as cities and counties.

The new law, sponsored by Rep. Sondra Erickson (R-Princeton) and Sen. Andrew Mathews (R-Milaca), allows a town's governing body to use money from its general fund or any other unrestricted money to provide grants to nonprofits that run community food shelves that provide food for free to people who need it.

Cities have been able to provide the grants since 1995; counties since 1998.

HF2636\*/SF2364/CH105

### **Law broadens recycling funding sources**

A new law will broaden sources available to match funds for local recycling programs by making changes to a Pollution Control Agency grant program that provides financial assistance to metropolitan area counties for development or operation of yard waste composting and recycling programs.

Currently, PCA grants must be matched by equal county expenditures. The new law will broaden the entities that may match a state award to include a local unit of government, tribal government, nonprofit organization or private business.

Grant funds will be prohibited from being used for development of a product that would be patented or copyrighted.

Rep. Bob Loonan (R-Shakopee) and Sen. Rich Draheim (R-Madison Lake) are the sponsors.

HF3153/SF2921\*/CH134

### **Sealed bidding threshold for city contracts to increase**

A new law will increase the threshold for municipal contracts that are required to go through the sealed bidding process.

Sponsored by Rep. Jim Nash (R-Waconia) and Sen. Dan Hall (R-Burnsville), the law requires cities go through the sealed bidding process for contracts estimated to cost \$175,000 or more.

The law also extends the range of contract estimates that may be made by direct negotiation from \$25,000-\$100,000 to \$25,000-\$175,000.

HF3841\*/SF3399/CH107

### **New law will increase threshold for direct bid contracts with small businesses**

A new law could help small businesses and veteran-owned small businesses get more county construction contracts.

Sponsored by Rep. Cindy Pugh (R-Chanhassen) and Sen. Paul Anderson (R-Plymouth), the law will raise the threshold for counties to use direct bidding from \$175,000 to \$250,000, so long as the business is a certified small business enterprise or veteran-owned small business.

HF3608/SF3793\*/CH146

### **Metro counties granted equal sewer authority**

Seven counties in the Twin Cities metropolitan area — Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington — will be granted the same authorities relating to sewer systems that are already provided to municipalities in Greater Minnesota.

A new law, sponsored by Rep. Bob Loonan (R-Shakopee) and Sen. Eric Pratt (R-Prior Lake), will allow counties to construct, maintain and repair waterworks, sanitary sewer and storm sewer systems, with the option of using sanitary sewer and storm sewer charges to cover the costs.

HF3210\*/SF3055/CH114

### **Cities and counties can recognize Purple Heart recipients**

A new law will allow local governments to designate themselves as a “Purple Heart City” or a “Purple Heart County.”

The law gives local governments the authority to use resolutions to honor U.S. military personnel who have received the Purple Heart by designating a prominent parking space at government centers, and allow them to accept donations to pay for a sign stating they are a Purple Heart city or county.

The law, sponsored by Rep. Matt Bliss (R-Pennington) and Sen. Dan Hall (R-Burnsville), will allow counties and cities to display a plaque on public property, as well as honor Purple Heart recipients by proclaiming Aug. 7 as Purple Heart Day.

HF3477/SF3262\*/CH139

## **MILITARY AND VETERAN AFFAIRS**

### **Veteran status to be included in voluntary state board, commission applications**

Individuals applying and appointed to vacancies in state agencies, boards, councils, commissions and task forces will be able to indicate whether they are a veteran.

Although it's voluntary information, lawmakers determined that applicants' veteran status can be relevant to the appointment process. This new law, sponsored by Rep. Dale Lueck (R-Aitkin) and Sen. Mark Johnson (R-East Grand Forks), directs the secretary of state's office to include a checkbox on these applications.

Veterans' status joins the likes of sex, political party, disability, race and national origin on nomination forms.

HF3507/SF3004\*/CH137

### **Agreements to assign military benefits and pay prohibited**

Sponsored by Rep. Matt Bliss (R-Pennington) and Sen. Bruce Anderson (R-Buffalo), a new law codifies what is already illegal under federal law: a person cannot, or attempt to, enter into an agreement with a military beneficiary that assigns the beneficiary's military pay or benefits to someone else.

The new law allows the affected military beneficiary — a current or former military member, their spouse or any other beneficiary — to bring a cause of action to recover damages. The attorney general is tasked with enforcing this prohibition.

HF368/SF327\*/CH174

### **Honoring Minnesota's own Gen. John Vessey**

A new law, sponsored by Rep. Dale Lueck (R-Aitkin) and Sen. Carrie Ruud (R-Breezy Point), designates June 29 as “General John Vessey Day.”

Born in Minneapolis on June 29, 1922, Vessey lied to Uncle Sam about his age and joined the National Guard at age 16 in 1939. The four-star general fought in World War II, as well as serving in the Vietnam conflict and held military posts in Germany, Korea and as a special emissary to Vietnam.

Vessey climbed the ranks, ultimately reaching the pinnacle of military service when he became the 10th chairman of the Joint Chiefs of Staff under President Ronald Reagan. He died in 2016 in North Oaks.

HF2011/SF1694\*/CH145

### **Clarifying GI Bill for continuing education**

A new law will clarify an existing statute that gives qualifying individuals money to further their education after completing military service.

Eligible service members are now entitled to use Minnesota GI Bill benefits of up to \$3,000 per state fiscal year and \$10,000 in a lifetime for:

- licensing or certification tests;
- admissions tests to higher learning or graduate school institutions;
- national tests providing an opportunity for course credit at higher education institutions;
- a preparatory course for a test to get into a higher education program; and
- any fee associated with the pursuit of a professional or educational objective outlined in the previously mentioned programs.

Rep. Keith Franke (R-St. Paul Park) and Sen. Bruce Anderson (R-Buffalo) sponsor the law.  
HF3750/SF3461\*/CH156

## **PUBLIC SAFETY**

### **Law makes it criminal to fib about a service animal**

Sponsored by Rep. Steve Green (R-Fosston) and Sen. Justin Eichorn (R-Grand Rapids), a new law will make it a crime to knowingly misrepresent an animal in one’s possession as an assistance animal in a public place to obtain rights or privileges available to someone who qualifies for a service animal under state or federal law. A first-time violation will be a petty misdemeanor; subsequent offenses will be misdemeanors.

The law uses a federal definition to define a service animal: “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. . . . The work or tasks performed by a service animal must be directly related to the individual’s disability. . . . The provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

A business will be allowed to post a “conspicuous sign” near an entrance stating service animals are welcome, but it is crime to misrepresent such an animal.

The Council on Disability, under the law, “may prepare and make available to businesses a brochure detailing permissible questions a business owner may ask to determine whether an animal is a service animal, proper answers to those questions, and guidelines defining unacceptable behavior.”

A property owner will be granted immunity for injury or damage caused by a service animal if “the owner believes in good faith that the animal is an assistance animal or the individual using the assistance animal represents that the animal is an assistance animal; and the injury or damage is not caused by the negligence of the owner of the real property.”

HF3157\*/SF2646/CH106

### **Crimes established for point-of-sale skimming sanctions**

A skimmer can capture someone’s identifying information from a credit or debit card. It is often associated with gasoline pumps, but ATM machines have also been targets.

Rep. Bob Loonan (R-Shakopee) and Sen. Eric Pratt (R-Prior Lake) sponsor a new law that will impose tougher penalties that supporters hope deter would-be thieves and give law enforcement tools to deal with these individuals by expanding the state’s unauthorized computer access crime to include interference with point-of-sale terminals to collect information from debit, credit or similar cards.

It will be a felony to access or attempt to access “an electronic terminal through opening any panel or access door without authorization and placing or attaching, or attempting to place or attach, an electronic device to capture, store, or communicate access device information.”

Trying to or accessing an ATM, gas pump or similar device by opening, or attempting to open, a panel or access door without authorization in a manner that creates a risk to public health and safety will be a gross misdemeanor offense.

The statutory definition of authorization will expand to include limited time access for specific

Department of Commerce employees, meter inspectors and people with “express permission of the device owner or operator” or their designee only at times and for purposes approved by the device owner or operator.

HF817\*/SF2582/CH123

### **DWI loophole for snowmobile, ATV use closed**

A new law closes a loophole in state statute regarding DWI offenses and off-road vehicles.

Sponsored by Rep. Anne Neu (R-North Branch) and Sen. Mark Koran (R-North Branch), the law expands the prohibition on operating off-road vehicles following a DWI conviction and eliminates an exemption that allowed drivers to keep their licenses following an off-road vehicle DWI offense.

Under a prior law, a person who operated a snowmobile or all-terrain vehicle while over the legal alcohol limit was prohibited from operating those off-road vehicles for one year. The updated law expands the prohibition so that it applies to a person who commits a DWI offense in any vehicle.

Also included in the updated law is the prohibition of a person who commits a DWI offense in any vehicle from operating a motorboat for a 90-day period between May 1 and Oct. 31.

The new law is known as “Little Allen’s Law” in honor of an 8-year-old boy who was struck and killed by a man operating a snowmobile while intoxicated after his driver’s license had been revoked for a prior DWI offense.

Additionally, the law directs the Department of Natural Resources to work with ice fish house manufacturers to increase outreach efforts explaining the dangers of carbon monoxide exposure in ice houses. It requires a report to the Legislature by Jan. 15, 2019.

HF3905/SF3638\*/CH183

### **Streamlined process to track down fuel-ditching lessees**

If someone pumps gas and leaves without paying, state law allows the gas station retailers’ association to contact the Department of Public Safety and get private, personal information to track down the individual. But it is more difficult tracking down individuals who lease their vehicles.

Sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Bill Ingebrigtsen (R-Alexandria), a new law permits the association to get access to lessee’s information so they can remit payments for the gas station. Prior to the new law, the association had to use different methods – including contacting banks and lenders – to get the private contact information.

HF1876\*/SF1696/CH135

### **Quicker turnaround for sexual assault examination kit testing**

Procedures for handling a sexual assault examination kit will be laid out in state law.

Sponsored by Rep. Marion O’Neill (R-Maple Lake) and Sen. Jerry Relph (R-St. Cloud), the law sets consistent terminology, timeframes for kit handling and provides that victims have access to information about their kit by:

- requiring law enforcement to retrieve an unrestricted sexual assault examination kit — one that has an accompanying release form from the patient allowing for submission to a forensic lab — from a health care professional within 10 days or receiving notice;
- requiring a law enforcement agency to submit a rape kit for forensic testing within 60 days of its receipt unless it “deems the result of the kit would not add evidentiary value to the case,” and make a record, in consultation with a county attorney, stating why the kit was not submitted; and
- allowing a victim to obtain information about the status of an unrestricted kit.

Failure to comply with the deadlines will not affect the admissibility of the results or create a basis for case dismissal.

Law enforcement agencies will need to adopt policies to govern the process of responding to victim requests to request reclassification of a kit if they initially do not want a kit submitted, but later change their mind.

HF3017/SF2863\*/CH160

### **Mandated training for hotel employees to recognize sex trafficking**

Sponsored by Rep. Abigail Whelan (R-Ramsey) and Sen. Jim Abeler (R-Anoka), a new law mandates that every hotel and motel in Minnesota, with the exception of resorts, train its employees to identify sex trafficking at their establishment within 90 days of hiring them or 120 days after enactment of a new law.

Effective Aug. 1, 2018, the law calls for the Department of Health to consult with the Minnesota Lodging Association and others to determine training that would be required. However, the training must include what sex trafficking is, as well as how to recognize trafficking victims and activities. Costs associated with the annual training will be paid for by the lodging facility.

An exemption is provided for minor employees, restaurant workers and those who do not have direct contact with guests. It also grants civil immunity for employees from being sued for reporting what they believe is sex trafficking.

HF3287/SF3367\*/CH179

### **Porn, sex trafficking data connection sought**

The Department of Public Safety will be required to collect information on how pornography supports sex trafficking through things like demand, grooming victims and creating additional revenue streams for traffickers.

Sponsored by Rep. Kathy Lohmer (R-Stillwater) and Sen. Michelle Benson (R-Ham Lake), a new law will acknowledge the link between sex trafficking and pornography by expanding the crimes for which the department must gather statistical data for its human trafficking report to include possession of pornographic work involving minors and prohibition of dissemination and display of harmful materials to minors. The report is published every two years.

The law will also add eight crimes to the list of prostitution-related offenses for which the court imposes an assessment between \$500 and \$1,000 in addition to any fine. They include coercion, labor trafficking, solicitation of a child and possession of pornographic work involving minors.

Under current law, 40 percent of that money goes to the local political subdivision that employs the arresting officer to be used to combat sexual exploitation of youth; 40 percent to the state's safe harbor account that provides services to sexually exploited youth; and 20 percent to the prosecuting agency to be used to combat the sexual exploitation of youth.

HF2967/SF2554\*/CH144

### **No kratom for minors; DWI clarification in annual drug law**

Keeping kratom away from minors is one goal of the annual drug scheduling law.

Sponsored by Rep. Keith Franke (R-St. Paul Park) and Sen. Paul Anderson (R-Plymouth), the law also adds new drugs to the controlled substance schedules and contains a DWI-related provision. Provisions are put forth by the Board of Pharmacy.

Kratom is an organic supplement that has been listed as an opioid, but not scheduled, by the federal Food and Drug Administration. Five states now categorize kratom as a Schedule I controlled substance, classifying it as a drug with no currently accepted medical use and a high potential for abuse. Mixing kratom with alcohol or valium-like drugs creates an increased risk of a severe adverse reaction, including death; however, some people responsibly use kratom to manage pain.

Selling kratom to someone under age 18 will result in a gross misdemeanor penalty; a minor possessing kratom will be charged with a misdemeanor.

Supporters note this first step relating to minors will allow for more research to be done on kratom before it is appropriately placed on the drug schedule.

The law also makes three controlled substance schedule changes: bromadol will be added to the list of Schedule I controlled substances, and pentazocine and butorphanol (including its optical isomers) will be added to Schedule IV, which are drugs with a low potential for abuse and low risk of dependence.

In response to an October 2017 ruling by the Minnesota Supreme Court, the law replaces “hazardous substance” and establishes that it is a crime to operate a motor vehicle under the influence of an “intoxicating substance” defined as “a drug or chemical ... that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes.” It does not include alcohol or controlled substances, which have their own statutory definitions.

The court found in *State v. Carson* the definition of “hazardous substance” in the driving while impaired statute referred to a list maintained by the Department of Labor and Industry for rules relating to occupational safety and health. Because the substance inhaled by the defendant in that case — a chemical used to clean electronic equipment — was not on the list, the defendant could not be convicted of driving under the influence.

HF3479/SF2578\*/CH195

## STATE GOVERNMENT

### **Safe at Home participants’ birthdates will be included in private program data**

Birthdates will be included in Safe at Home participants’ private, government-owned data.

The Safe at Home program is predominantly for survivors of domestic violence, sexual assault or stalking. Using post office boxes as primary contact information, a Safe at Home enrollee can go about their daily life without leaving traces of where they can typically be located and keep their aggressor from locating them.

The new law, sponsored by Rep. Kathy Lohmer (R-Stillwater) and Sen. Jerry Relph (R-St. Cloud), makes a few technical changes and modifications to how individuals change their information with the secretary of state’s office, which runs the Safe at Home program.

HF3551\*/SF3198/CH109

### **Law extends brain injury, American Indian councils**

The Traumatic Brain Injury Advisory Committee — along with several other advisory councils — will continue to exist.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Paul Utke (R-Park Rapids), a new law extends the Traumatic Brain Injury Advisory Committee, the American Indian Advisory Council and the American Indian Child Welfare Advisory Council to 2023, and the Formulary Committee to 2022.

If the Legislature did not act, each would have expired this year.

HF3404/SF3143\*/CH164

## TRANSPORTATION

### **Minnesota's 'move over law' is broadened**

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Michael Goggin (R-Red Wing), a new law will require motorists to slow down on streets or highways with only one lane in the motorist's direction when passing emergency vehicles — and other vehicles like tow trucks, road maintenance and utility vehicles — that are stopped on the side of the roadway with emergency or warning lights activated.

Similarly, if it's not possible for a driver to move over on a multi-lane street or highway, drivers are required to reduce the speed of their motor vehicle to a speed "that is reasonable and prudent under the conditions" until the vehicle has completely passed the parked or stopped vehicle.

HF3249\*/SF2977/CH159

### **Highway to honor fallen Wayzata officer**

A stretch of U.S. Highway 12 in suburban Wayzata will be renamed as "Officer Bill Mathews Memorial Highway."

Mathews was a Wayzata police officer who was fatally struck in September 2017 by an inattentive motorist while clearing debris from the stretch of roadway that will bear his name.

Sponsored by Rep. Jerry Hertaus (R-Greenfield) and Sen. Paul Anderson (R-Plymouth), the law authorizes the placement of memorial signs and specifies that funds for them must come from non-state sources.

HF2739/SF2484\*/CH108

### **Motorcycle permit holders gain access to interstates**

Minnesota motorcycle permit holders will be able to expand their two-wheeled driving education by driving on the interstate.

Sponsored by Rep. Jim Nash (R-Waconia) and Sen. Mary Kiffmeyer (R-Big Lake), the new law will allow motorists holding a two-wheeled vehicle instruction permit to operate a motorcycle on the interstate.

HF3997/SF3466\*/CH122