

2023 SESSION SUMMARIES

Introduction

The Legal Services Advocacy Project (LSAP) is pleased to present the 2023 Session Summaries. LSAP, a statewide division of Mid-Minnesota Legal Aid, provides legislative and administrative advocacy on behalf of Legal Aid statewide.

These summaries are divided by topic area of substantive law and reflect the statutory changes made by the Legislature in 2023 that most impact Legal Aid's clients. They do not include every bill enacted into law during legislative session. Certain entries applicable to several substantive areas may be repeated in more than one section.

These summaries have been prepared by the LSAP staff. Some of the source material is based on bill summaries prepared by legislative staff of the House and Senate.

We hope you find these Session Summaries useful.

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AGRICULTURAL/FOOD PROCESSING PLANT WORKERS

I. PROTECTIONS FOR WORKERS IN POULTRY PROCESSING PLANTS

2023 Minn. Laws, Chapter 53, Article 2, Sections 1 – 4
Omnibus Jobs, Economic Development, Labor, and Industry Bill
Amends Minn. Stat. § 179.86, subds. 1 and 3
Adds Minn. Stat. § 179.86, subd. 5
Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/53/>

Extends coverage of the Packinghouse Workers Bill of Rights to workers in poultry processing plants. Adds (for workers in both meatpacking and poultry processing plants): requirements regarding workers' compensation and a private right of action plus a civil fine payable to the employee for violation of the act.

II. PAYMENT OF WAGES TO MIGRANT WORKERS

2023 Minn. Laws, Chapter 53, Article 1, Section 5
Omnibus Jobs, Economic Development, Labor, and Industry Bill
Amends Minn. Stat. § 181.14, subd. 1
Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/53/>

Reduces the time from five to three days within which wages or commissions owed to migrant workers at the time the worker quits or resigns are due and payable.

III. RECRUITMENT OF LABOR IN FOOD PROCESSING INDUSTRY

2023 Minn. Laws, Chapter 53, Article 1, Sections 6 - 10
Omnibus Jobs, Economic Development, Labor, and Industry Bill
Amends Minn. Stat. § 181.635, subds. 1 – 4, 6
Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/53/>

Adds that recruitment, not just outside Minnesota, but also within Minnesota is covered by Minnesota statutory requirements. Adds that: (1) employer disclosures must be the employee or prospective employee's preferred language; and (2) Department of Labor and Industry's standard disclosure form must be made available in additional languages upon request. Increases fines for violations and makes the fines payable to the aggrieved employee.

IV. MIGRANT WORKER PROVISIONS

*2023 Minn. Laws, Chapter 53, Article 1, Sections 11 - 19
Omnibus Jobs, Economic Development, Labor, and Industry Bill
Amends Minn. Stat. §§ 181.85 through 181.89 (various subdivisions)
Effective July 1, 2023
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/53/>*

A. Definitions

Expands the definition of “agricultural labor” to include labor performed as defined under Minn. R. 5200.0260. Expands the definition of “employer” beyond just a processor of fruits and vegetables to any person or company that employs one or more migrant workers in any calendar year.

B. Disclosures

Provides that the required employment statement of terms must be in the worker’s preferred language and the Department of Labor and Industry’s standard form must be made available in other languages upon request.

C. Biweekly Pay

Clarifies that payment of wages shall be within three days unless payment is required sooner pursuant to Minn. Stat. § 181.13.

D. Guaranteed Hours

Increases the minimum pay from \$5 to \$50 when the guaranteed number of hours needs to be reduced by enumerated conditions.

E. Violations

Increases the penalties for violation of Migrant Worker provisions of Chapter 181. Adds that the Department of Labor and Industry may assess penalties for violations, which are payable to the aggrieved worker, in addition to the existing private right of action.

CONSUMER LAW/CONSUMER PROTECTION

I. COERCED DEBT INCURRED BY SURVIVORS OF DOMESTIC VIOLENCE

2023 Minn. Laws, Chapter 57, Article 3, Sections 69 - 73

Omnibus Commerce Bill

Adds Minn. Stat. § 332.71 - 332.75

Effective January 1, 2024, and applies to all debts incurred on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

A. DEFINITION

Defines “coerced debt” to mean “all or a portion of debt in a debtor's name that has been incurred as a result of: (1) the use of the debtor's personal information without the debtor's knowledge, authorization, or consent; (2) the use or threat of force, intimidation, undue influence, harassment, fraud, deception, coercion, or other similar means against the debtor; or (3) economic abuse perpetrated against the debtor. Coerced debt does not include secured debt.”

B. COERCED DEBT PROHIBITED

Prohibits any person from causing another person to incur coerced debt.

C. ACTIONS A SURVIVOR CAN TAKE TO OBTAIN RELIEF FROM COERCED DEBT

1. Legal Action

Gives a survivor of domestic violence the right to petition the district court for equitable relief that includes: (1) a declaratory judgment that the debt is coerced debt; (2) an injunction prohibiting a creditor from holding and attempting to hold the survivor liable for the debt; and (3) an order dismissing any existing cause of action and prohibiting any future action against the survivor to enforce the debt.

2. Prerequisite to Taking a Legal Action

Requires the survivor, before filing a petition for relief, to notify the creditor and provide proof identified in the statute that the debt is coerced. Gives the creditor 30 days to notify the survivor whether the creditor will cease or continue collection activity.

II. CONSUMER FRAUD ACT – PRIVATE ENFORCEMENT

2023 Minn. Laws, Chapter 52, Article 19, Section 15

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 325F.70, subd. 3

Effective August 1, 2023, and applies to causes of action commenced on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Creates a private right of action to enforce Minnesota’s Consumer Fraud Act (Minn. Stat. § 325F.68 – 325F.69). The remedy is available for a consumer or family farmer in connection with a sale of merchandise for personal, family, household, or agricultural purposes injured by a violation of the Consumer Fraud Act. Under the new provision, an aggrieved person may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other equitable relief as determined by the court.

III. ADDITIONS TO CONSUMER FRAUD ACT AND DECEPTIVE TRADE PRACTICES ACT

2023 Minn. Laws, Chapter 57, Article 3, Sections 5, 7, 16, 17

Omnibus Commerce Bill

Amends Minn. Stat. §§ 325D.44, subds. 1 and 2, and 325F.69, subd. 1

Adds Minn. Stat. § 325F.69, subd. 8

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

A. CONSUMER FRAUD ACT

Adds that unfair and unconscionable acts and practices are prohibited and enjoined. Defines unfair and unconscionable acts and practices as “any method of competition, act, or practice that: (1) offends public policy as established by the statutes, rules, or common law of Minnesota; (2) is unethical, oppressive, or unscrupulous; or (3) is substantially injurious to consumers.”

B. DECEPTIVE TRADE PRACTICES ACT

Adds that engaging in unfair methods of competition or unfair or unconscionable acts or practices are acts constituting a deceptive trade practice. Provides that the standard of proof is “any method of competition, act, or practice that: (1) offends public policy as established by the statutes, rules, or common law of Minnesota; (2) is unethical, oppressive, or unscrupulous; or (3) is substantially injurious to consumers.”

IV. RIGHT TO RETRIEVE PROPERTY FROM IMPOUNDED VEHICLE – PRIVATE ENFORCEMENT

2023 Minn. Laws, Chapter 52, Article 19, Sections 6 – 9

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 168B.07, subd. 3

Adds Minn. Stat. § 168B.07, subs. 3a, 3b, 3c, and 3d

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

A. REFUSAL TO RETURN BELONGINGS A VIOLATION OF LAW

Makes the refusal by a private impound lot operator (or a private operator operating a city tow lot) to return property to an eligible vehicle operator a violation of law.

B. RETURN OF ID, MEDICINE

Provides that any vehicle owner, regardless of income or status, has the right to retrieve the following items, whether or not they pay the impound lot towing and storage charges: proof of identification; prescription medicine; and durable medical equipment, including but not limited to wheelchairs, prosthetics, canes, crutches, walkers, and external braces.

C. NOTICE, POSTING

A private impound lot operator (or a private operator who exclusively operates a city tow lot) who refuses to return property to eligible persons must provide a notice explaining the reason(s) for the denial. The operator must also post a conspicuous notice indicating the criteria under which a person is eligible to retrieve their personal belongings.

D. REMEDY

Provides that, if the vehicle remains on the impound lot, a person has a private right of action to obtain a court order compelling compliance, together with reasonable attorney fees and costs. Also provides that, if the impound lot operator has disposed of the vehicle and property, the aggrieved person has a private right of action for statutory damages of \$1,000 plus reasonable attorney fees and costs.

V. PAYDAY LENDING

2023 Minn. Laws, Chapter 57, Article 3, Sections 3 - 11

Omnibus Commerce Bill

Amends Minn. Stat. §§ 47.59, subd. 2; 47.60; 47.601

Adds Minn. Stat. § 47.603 (ability to pay analysis)

Effective January 1, 2024, and payday loans originated on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

Caps the interest rate on a payday loan at 36% APR. Allows payday loans to be made at interest rates from between 37% APR to a maximum of 50% APR, provided the lender conducts a thorough and extensive analysis of ability to repay the loan and still have sufficient funds to pay major financial obligations and basic living expenses for the next 30 day period. Enumerates elements of and prohibits subterfuge designed to evade the caps.

VI. MEDICAL DEBT

2023 Minn. Laws, Chapter 70, Article 4, Sections 40, 41, 42

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. §§ 144.587, 144.588, and 144.589

Effective November 1, 2023, and applies to services and treatments provided on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. HOSPITAL SCREENING FOR ELIGIBILITY FOR CHARITY CARE AND MA

Requires hospitals to determine if the patient is eligible for charity care or a public health program and, among other things, refer the patient to a navigator to help apply for medical benefits. A hospital is prohibited from taking collection actions while an application for charity care is pending, but can accept a credit card payment of no more than \$500. Gives the Attorney General enforcement authority.

B. PREREQUISITE TO GARNISHMENT OR REFERRAL FOR COLLECTION

1. Actions Required

Requires a hospital taking an action to either garnish the patient's (or guarantor's) wages or bank account or refer the debt for collection to include an "affidavit of expert review" with service of the summons and complaint certifying that, among other things: (1) if potentially eligible, the patient has been given a reasonable opportunity to apply for charity care; (2) if the patient indicated and provided reasonable verification of an inability to pay, the hospital offered the patient a reasonable payment plan; and (3) there is no reasonable basis to believe that the patient's or guarantor's wages or funds are exempt.

2. Penalty for Noncompliance

Failure to comply with the prerequisites for garnishment results, upon motion, in mandatory dismissal with prejudice of the action. Failure to comply with prerequisites for referral to a collection agency subjects a hospital to a fine assessed by the Department of Health. Gives the Attorney General enforcement authority.

C. BILLING OF UNINSURED PATIENTS

Limits a hospital from charging a patient whose annual household income is less than \$125,000 for any uninsured service or treatment in an amount greater than the provider would be paid from a nongovernmental third-party payor. Gives the Attorney General enforcement authority under Minn. Stat. § 8.31.

VII. CAR BUYER PROTECTIONS

2023 Minn. Laws, Chapter 57, Article 4, Sections 1, 2, 13, 14, 15

Omnibus Commerce Bill

Amends Minn. Stat. §§ 325F.662, subs. 2 and 3; and 325F.6641, subd. 2

Adds Minn. Stat. § 53C.01, subd. 4a

Effective January 1, 2024, and payday loans originated on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

A. ADDITIONAL WARRANTY PROTECTION FOR CERTAIN USED CAR DEALERS

Adds a requirement that, except for franchised new car dealers, dealers of used vehicles must provide a warranty for vehicles with 75,000 miles or more but less than 200,000 of 15 days or 500 miles, whichever comes first. Establishing this warranty requirement prevents a used car dealer from selling such vehicle “as is,” and thus evading the protections offered by the Magnuson-Moss Warranty Act.

B. DISCLOSURE OF KILL SWITCH

Defines “global positioning system starter interrupt device” (a kill switch), which can remotely disable a motor vehicle, and requires disclosure that such device has been installed in a vehicle by the dealer.

VIII. ASSIGNMENT OF MILITARY PAY/BENEFITS EXPANSION OF REMEDIES

2023 Minn. Laws, Chapter 52, Article 19, Section 16

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 325F.992, subd. 3

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Clarifies that servicemembers or veterans victimized by the illegal practice of
Corrects inadvertent mistake in 2018 law that prohibits the predatory practice of
taking assignment of military pay or benefits has both legal *and* equitable
remedies available.

IX. STUDENT LOAN ADVOCATE

2023 Minn. Laws, Chapter 57, Article 3, Section 67

Omnibus Commerce Bill

Adds Minn. Stat. § 58B.011

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

Creates a Student Loan Advocate within the Department of Commerce to
provide assistance to borrowers, including: (1) handling and seeking to resolve
complaints; (2) compiling and analyzing data; and (3) making policy recommendations.

X. SURVIVABILITY OF CERTAIN CLAIMS

2023 Minn. Laws, Chapter 52, Article 19, Sections 32 - 34

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. §§ 573.01, and 573.02, subds. 1 and 2

Effective May 19, 2023, and applies to causes of action pending on or commenced on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Provides that a cause of action arising out of an injury to a person survives the
death of any party, reversing the long-standing existing law holding that the
claim dies with the plaintiff.

COURTS

FEES FOR COPIES OF CERTAIN COURT DOCUMENTS

2023 Minn. Laws, Chapter 52, Article 3, Section 2

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 357.021, subd. 2

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

- Eliminates fees for uncertified copies of “any instrument from a civil or criminal proceeding” and provides that “no fee may be charged to view or download a publicly available instrument from a civil or criminal proceeding or for an uncertified copy of that instrument.”

CRIMINAL JUSTICE

CLEAN SLATE

2023 Minn. Laws, Chapter 52, Article 7

Omnibus Judiciary and Public Safety Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

- Creates a process for automatic grants of expungement for a variety of crimes, including those involving certain controlled substances.

Adds Minn. Stat. § 609A.015

Effective January 1, 2025, and apply to offenses that meet the eligibility criteria on or after that date and retroactively to offenses that met those qualifications before January 1, 2025, and are stored in the Bureau of Criminal Apprehension's criminal history system as of January 1, 2025.

- Makes more crimes, including those crimes deemed misdemeanors and gross misdemeanors, eligible for expungement by petition.

Amends Minn. Stat. § 609A.02, subd. 3

July 1, 2023, and applies to all offenses that meet the eligibility criteria on or after that date, except the amendment to clause (41) relating to interference with privacy is effective August 1, 2023

DHS BACKGROUND STUDIES

I. LICENSING DATA

2023 Minn. Laws, Chapter 70, Article 7, Sections 1 - 13

Omnibus Health Finance and Policy Bill

Amends and adds to various sections of Chapter 245C

Effective July 1, 2023 (unless otherwise specified)

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. CHANGES TO DEFINITIONS

Defines “guardian” and “conservator” to have the meanings given them in section 524.1-201.

Amends Minn. Stat. § 245C.02, subs. 7a and 11g

B. NETSTUDY 2.0

Clarifies that NETStudy 2.0 provides electronic access to certain notices for entities and background study subjects and allows NETStudy 2.0 to be used to electronically deliver information.

Amends Minn. Stat. § 245C.02, subdivision 13e

C. LICENSED PROGRAMS

1. Addition and Subtraction of Programs

- Removes independent living assistance for youth from list of programs that must be licensed under chapter 245A.

Amends Minn. Stat. § 245C.03, subd. 1

Effective July 1, 2023

- Adds treatment programs for persons with sexual psychopathic personality or sexually dangerous persons as programs that must be licensed under chapter 245A.

Minn. Stat. § 245C.03, subd. 1

Effective January 1, 2024

2. Child Care Programs

- Specifies when a new study is needed (including at reauthorization) and the information the individual must submit. Requires DHS to submit the request in NETStudy 2.0.
Amends Minn. Stat. § 245C.04, subd. 1
Effective April 28, 2025
- Removes background study results sent to county agencies regarding legal nonlicensed child care from list of studies DHS must send using secure electronic submission.
Amends Minn. Stat. § 245C.05, subd. 4
Effective April 28, 2025

D. ALTERNATIVE BACKGROUND STUDIES

Classifies data obtained on individuals for background studies and alternative background studies as private data.
Adds Minn. Stat. § 245C.03, subds. 1 and 1a

E. MALTREATMENT AND LICENSING AGENCY CHECKS FOR GUARDIANS AND CONSERVATORS

Provides that requests for maltreatment data submitted pursuant to Minn. Stat. § 524.5-118 must include information regarding whether the guardian or conservator has been a perpetrator of substantiated maltreatment of a vulnerable adult or a minor. If so, DHS must include a copy of any available public portion of the investigation memorandum.
Adds Minn. Stat. § 245C.033

F. REQUIREMENTS FOR SUBJECT OF BACKGROUND STUDY

Requires additional information individuals must provide, including criminal history disclosure form, and updated contact information. Requires DHS to determine an acceptable form of identification if an individual does not have a state-issued ID.
Amends Minn. Stat. § 245C.05, subd. 1.
Effective April 28, 2025

G. PRIVACY NOTICE TO SUBJECT OF BACKGROUND STUDY

Agencies requesting background checks on individuals who previously received set-asides information will no longer receive information about the reason for the previous disqualification. Removes reasons for the issuing the decision for the previous set-aside from the privacy rights notice.
Amends Minn. Stat. § 245C.05, subd. 2c
Effective April 1, 2024

H. BACKGROUND STUDIES CONDUCTED BY THE DHS

Adds list of information DHS must review when conducting background studies required for treatment programs for sexual psychopathic personalities or sexually dangerous persons.

Amends Minn. Stat. § 245C.08, subd. 1

Effective January 21, 2024

II. BACKGROUND STUDY FEES

2023 Minn. Laws, Chapter 70, Article 7, Sections 14 - 33

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 245C.10, various subdivisions

Effective July 1, 2023 (unless otherwise specified)

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. CRIMINAL HISTORY RECORD CHECK FEES

Eliminates the need for legislative action to increase background study fees, giving the commissioner the power to increase fees commensurate with an increase in state Bureau of Criminal Apprehension or national criminal history record check fees.

B. FEE INCREASES/REDUCTIONS

Increases fees for background studies required for a variety of agencies, occupations, programs, workers, staff, and providers. Reduces fees for conducting maltreatment and state licensing agency checks for guardians and conservators.

Effective July 1, 2023, except effective date is January 1, 2024 for occupations regulated by the Department of Health.

III. DISQUALIFICATIONS

2023 Minn. Laws, Chapter 70, Article 7, Sections 34 and 35

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 245C.15, subd. 2

Adds Minn. Stat. § 245C.15, subd. 4b

Effective for background studies requested on or after August 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. FIFTEEN-YEAR DISQUALIFICATION

Clarifies which felony-level drug crimes (including sales) are still on the 15-year disqualification list.

B. FIVE-YEAR DISQUALIFICATION

1. Crimes

Moves most drug crimes to a 5-year disqualification list. Where the person was sentenced in a state other than Minnesota, and less than five years has passed since the sentence was discharged, requires the crime to be compared to Minnesota statutes to determine the disqualification period.

2. Determining Disqualification Period

Provides the disqualification period begins:

- from the date of the court order when a disqualification is based on a judicial determination other than a conviction;
- from the date of an admission in court order when disqualification is based on an admission;
- from the date of the plea when disqualification is based on an Alford plea;
- from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last when disqualification is based on a preponderance of evidence of a disqualifying act.

IV. DISQUALIFICATION NOTICES

2023 Minn. Laws, Chapter 70, Article 7, Sections 36 - 38

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. §-245C.17, subds. 2, 3, and 6

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. NOTICE REQUIREMENTS

Changes notice requirements to individuals and requesting agencies and disclosures that are made when disqualifications are set aside. Discontinues the requirement that the applicant, license holder, or entity obtain a copy of the individual's notice of disqualification from the individual. Removes "substantiated maltreatment" as a reason where DHS is obligated to notify the applicant, license holder, or entity of a disqualification.

Effective April 1, 2024

B. NOTICE TO COUNTY AGENCY

Removes the requirement to provide background study results to the county agency when an individual is disqualified from providing legal nonlicensed child care.

Effective April 28, 2025

V. RECONSIDERATION

2023 Minn. Laws, Chapter 70, Article 7, Sections 39 - 42

Omnibus Health Finance and Policy Bill

Effective July 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. RECONSIDERATION REQUEST

Gives individuals 30 days from receipt of disqualification to request a reconsideration.

Amends Minn. Stat. § 245C.21, subds. 1a and 2

B. DISQUALIFICATION THAT IS RESCINDED OR SET ASIDE

Prohibits DHS from disclosing private data on individuals during the period reconsideration requests are pending.

Amends Minn. Stat. § 245C.23, subd. 1

VI. DATA & PRIVACY

2023 Minn. Laws, Chapter 70, Article 7, Sections 41 - 43

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. §§ 245C.22, subd. 7; 245C.23, subd. 1; and 245C.32, subd. 2

Effective April 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. CLASSIFICATION OF CERTAIN DATA

Classifies as private data: (1) the identity of an individual receiving a set-aside; and (2) identifying information on individuals used to determine whether an entity is eligible for a variance.

B. DISQUALIFICATION THAT IS RESCINDED OR SET ASIDE

Changes how DHS notifies applicants, license holders, and other entities when a disqualification is rescinded or set aside. Removes requirements that the entity be told the reason for the individual's disqualification and classifies that information as private data on individuals.

C. COMMISSIONER'S NOTICE OF DISQUALIFICATION THAT IS NOT SET ASIDE

Permits DHS to use the NETStudy 2.0 system and other electronic systems to share background study information with individuals and entities.

VII. MALTREATMENT AND LICENSING AGENCY CHECKS/CRIMINAL HISTORY CHECKS

2023 Minn. Laws, Chapter 70, Article 7, Section 46

Omnibus Health Finance and Human Services Bill

Amends Minn. Stat. § 524.5-118, subds. 1 and 2a

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

A. DEFINITIONS

Replaces "background study" for guardians and conservators with "maltreatment and state agency check and a criminal history check." Requires these checks to be conducted at the time of appointment and once every five years.

B. CHANGES TO PROCEDURE AND LICENSING AGENCY DATA

Among various other changes, establishes a new procedure for guardians and conservators who require criminal background studies. Under the new procedure, the request is submitted to the Bureau of Criminal Apprehension (BCA), which then reports the findings to the court.

DISABILITY LAW

I. EMPLOYMENT

A. SUBMINIMUM WAGES IN HOME AND COMMUNITY-BASED SERVICES REPORTING

2023 Minn. Laws, Chapter 61, Article 1, Section 22

Omnibus Human Services Finance and Policy Bill

Adds Minn. Stat. § 256B.4906

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Requires subminimum wage providers under HCBS to report data on individuals being paid subminimum wages by August 1, 2023, and then annually. Requires DHS to use this data to track employment and community-life engagement outcomes.

B. COMPETITIVE EMPLOYMENT INITIATIVES

2023 Minn. Laws, Chapter 61, Article 1, Sections 7 and 8

Omnibus Human Services Finance and Policy Bill

Adds Minn. Stat. §§ 252.54 and 252.55

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Requires DHS to: (1) establish a Statewide Disability Employment Technical Assistance Center to provide resources and assistance to programs, people, and families to support individuals with disabilities to achieve meaningful and competitive employment in integrated settings; and (2) establish Lead Agency Employment First Capacity Building Grants to expand lead agency capacity to support people with disabilities to contemplate, explore, and maintain competitive, integrated employment options.

C. MINNESOTA EMPLOYER REASONABLE ACCOMMODATION FUND

2023 Minn. Laws, Chapter 53, Article 15, Section 31

Omnibus Jobs, Economic Development, Labor, and Industry Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Establishes a fund to reimburse employers with 500 employees or less with \$5 million in revenue or less for the cost of expenses incurred in providing reasonable accommodations for applicants or employees with a disability. Specifies that awards per individual are no less than \$250 and no more than \$15,000, with a maximum of \$30,000 in a fiscal year.

D. MONITORING EMPLOYMENT OUTCOMES

2023 Minn. Laws, Chapter 61, Article 1, Section 80

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Requires DHS, DEED and the Department of Education, by January 15, 2025, to provide a plan for tracking employment outcomes for people with disabilities served by programs administered by the agencies, including needed changes to state law to track supports received and outcomes across programs.

E. INTERAGENCY EMPLOYMENT SUPPORTS ALIGNMENT STUDY

2023 Minn. Laws, Chapter 61, Article 1, Section 79

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Directs DHS, DEED, and Department of Education to conduct an interagency alignment study on employment supports for people with disabilities. Requires the study to evaluate provider rates, provider enrollment and monitoring standards, eligibility processes, and people's experiences transitioning between programs.

II. HOME AND COMMUNITY-BASED SERVICES

2023 Minn. Laws, Chapter 61, Article 1, Sections 18, 20, 21, 27, 29-47, 59

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

A. LIFE SHARING

Adds “life sharing as defined in the brain injury, community alternative care, community access for disability inclusion, and developmental disabilities waiver plans” to residential supports and services. Adds life sharing as an applicable service.

Amends Minn. Stat. §§ 245D.03, subd. 1, and 256B.4914, subd. 3

Effective January 1, 2026, or upon federal approval, whichever is later

B. CASE MANAGER EDUCATION AND TRAINING

Increases case manager education and training from 10 to 20 hours per year.

Modifies training requirements by adding informed choice, cultural competency, employment planning, community living planning, self-directed options, and use of technology supports.

Amends Minn. Stat. §§ 256B.092, subd. 1a, and 256B.49, subd. 13

Effective July 1, 2023

C. INFORMED CHOICE REQUIREMENT

Adds informed choice requirement that working-age persons with disabilities are offered benefits planning assistance and supports to understand available work incentive programs and understand the impact of work on benefits.

Amends Minn. Stat. § 256B.4905, subd. 4a

Effective July 1, 2023

D. REMOVAL OF CERTAIN SERVICES

Removes: (1) respite services as an applicable service authorized under the state's home; and (2) community-based services waivers and family residential services from residential support services.

Amends Minn. Stat. § 256B.4914, subds. 3 and 6

Effective as of January 1, 2024 (removal of family residential services) and January 1, 2026 (removal of respite services), or upon federal approval, whichever is later.

III. HOME AND COMMUNITY-BASED SETTINGS FOR PEOPLE WITH DISABILITIES

2023 Minn. Laws, Chapter 50, Article 1, Sections 16, 30 - 32

Omnibus Human Services Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/50/>

A. DEFINITIONS

Adds definitions for “community-living setting,” “controlling individual,” and “license holder.”

Adds Minn. Stat. § 256B.492, subd. 1

Effective August 1, 2023

B. COMMUNITY-LIVING SETTINGS

Permits individuals receiving services under a home and community-based waiver under Minn. Stat. § 256B.092 or Minn. Stat. § 256B.49 to receive services in community-living settings. Provides that community-living settings must meet the requirements Minn. Stat. § 256B.492, subd. 2.

Adds Minn. Stat. § 256B.492, subd. 3

Effective upon federal approval

C. BASIC SUPPORT SERVICES

Eliminates certain adult companion services, in-home support services, residential support services, day services, and semi-independent living services.

Amends Minn. Stat. § 245D.03, subd. 1

Effective August 1, 2023

IV. ALTERNATIVE OVERNIGHT SUPERVISION

2023 Minn. Laws, Chapter 61, Article 1, Section 2

Omnibus Human Services Finance and Policy Bill

Effective January 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

A. VARIANCES FOR ALTERNATIVE OVERNIGHT SUPERVISION

Clarifies that variances and licensing for alternative overnight supervision in adult foster care settings do not apply to community residential settings.

Amends Minn. Stat. § 245A.11, subds. 7 and 7a

B. COMMUNITY RESIDENTIAL SETTINGS

Adds new law regarding alternative overnight supervision in community residential settings which addresses documentation and provider requirements, policies and procedures, and consent. Prohibits the implementation of overnight supervision if consent is not obtained from every resident and protects objecting residents from transfer or eviction.

Adds Minn. Stat. § 245D.261

V. CONSUMER-DIRECTED COMMUNITY SUPPORT (CDCS)

2023 Minn. Laws, Chapter 61, Article 1, Sections 23 and 66

Omnibus Human Services Finance and Policy Bill

Adds Minn. Stat. § 256B.4911, subd. 6

Effective July 1, 2023, or upon federal approval, whichever is later

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

Limits services provided by parents and spouses to: (1) 40 hours per week per parent if multiple parents are providing assistance, with a total of 80 hours provided by all parents; (2) 60 hours if one parent is providing assistance; and (3) 60 hours per spouse.

VI. COMMUNITY FIRST SERVICES AND SUPPORTS

2023 Minn. Laws, Chapter 61, Article 1, Section 52 - 55

Omnibus Human Services Finance and Policy Bill

Amends Minn. Stat. § 256B.051, subd. 7

Adds Minn. Stat. § 256B.051, subd. 7b

Effective July 1, 2023, or upon federal approval, whichever is earlier

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

Limits services provided by parents and spouses to: (1) 40 hours per week per parent if multiple parents are providing assistance, with a total of 80 hours provided by all parents; (2) 60 hours if one parent is providing assistance; and (3) 60 hours per spouse. Provides that wages must not exceed the current rate for a CFSS support worker, including wages, benefits, and payroll taxes.

VII. PERSONAL CARE ATTENDANTS (PCAs)

2023 Minn. Laws, Chapter 61, Article 1, Section 12, 13, 15, 16

Omnibus Human Services Finance and Policy Bill

Amends Minn. Stat. § 256B.0659, subds. 1 and 12

Adds Minn. Stat. § 256B.0659, subds. 14A, 19, and 24

Various Effective Dates

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

A. TRANSPORTATION ADDED AS ADL FOR PCA SERVICES

Adds that transporting (driving and accompanying) clients as an activity of daily living for PCA services. Documentation must include start/stop times, origination, and destination. Requires PCAs and PCA agencies to ensure that the PCAs driving clients have a valid driver's license and the vehicle being used is registered and insured according to Minnesota law.

Effective 90 days after federal approval

B. REMOTE SUPERVISION BY QUALIFIED PROFESSIONALS

Permits qualified professionals who supervise PCAs to remotely supervise clients with chronic health conditions or severely compromised immune systems if deemed appropriate by the recipient and the recipient's primary health care provider.

Effective July 1, 2023, or upon federal approval, whichever is later

VIII. TECHNOLOGY FOR HOME GRANT

2023 Minn. Laws, Chapter 61, Article 1, Section 11

Omnibus Human Services Finance and Policy Bill

Adds Minn. Stat. § 256.4773

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

Establishes grants to provide assistive technology consultations and resources for people with disabilities who want to stay in their own home, move to their own home, or remain in a less restrictive residential setting. Includes data gathering provisions to assess whether the grant programs help people transition to or remain in least-restrictive settings.

IX. MnCHOICES ASSESSOR QUALIFICATIONS

*2023 Minn. Laws, Chapter 61, Article 1, Section 17
Omnibus Human Services Finance and Policy Bill
Amends Minn. Stat. § 256B.0911, subd. 13
Effective July 1, 2023, or upon federal approval, whichever is later
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>*

Removes the requirement to have at least one year of home and community-based experience for people who have experience in a closely related field not specified in the statute.

X. EARLY INTENSIVE DEVELOPMENTAL AND BEHAVIORAL INTERVENTION (EIDBI)

*2023 Minn. Laws, Chapter 61, Article 1, Sections 19 and 72
Omnibus Human Services Finance and Policy Bill
Amends Minn. Stat. § 256B.0949, subd. 15
Effective January 1, 2024, or upon federal approval, whichever is later
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>*

Adds Tribal Nation certification as a way to prove fluency in a language other than English.

XI. SPECIALIZED EQUIPMENT AND SUPPLIES LIMIT INCREASE

*2023 Minn. Laws, Chapter 61, Article 1, Section 69
Omnibus Human Services Finance and Policy Bill
Effective January 1, 2024, or upon federal approval, whichever is later
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>*

Directs DHS to increase the annual limit for specialized equipment and supplies under federally approved home and community-based service waiver plans, alternative care, and essential community supports to \$10,000.

XII. DISABILITY WAIVER SHARED SERVICES RATES

*2023 Minn. Laws, Chapter 61, Article 1, Section 78
Omnibus Human Services Finance and Policy Bill
Effective January 1, 2024, or upon federal approval, whichever is later
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>*

Directs DHS to establish a rate system for shared homemaker services and shared chore services. For two persons sharing services, the rate paid must not exceed 1.5 times the rate paid for an individual. For three persons sharing services, the rate paid must not exceed twice the rate paid for an individual.

XIII. SHARED SERVICES

2023 Minn. Laws, Chapter 61, Article 1, Section 77

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

Directs DHS, by December 31, 2023, to seek necessary changes and issue guidance to home and community-based services waiver plans regarding sharing services to permit shared services for chore, homemaker, and night supervision; permit existing shared services at higher ratios; and ensure individuals who are seeking to share services permitted under the waiver plans in an own-home setting are not required to live in a licensed setting in order to share services. Requires DHS to seek and utilize stakeholder input.

XIV. STATE EMPLOYEES WITH DISABILITIES

2023 Minn. Laws, Chapter 62, Article 8

Omnibus State Government Finance Bill

Amends Minn. Stat. §§ 43A.01, subd. 2; 43A.04, subds. 1a, 4; and 7; 43A.09; 43A.10, subds. 2a and 7; 43A.14; 43A.15, subd. 14; 43A.19, subd. 14; 43A.19, subd. 1; 43A.191; 43A.21, subds. 1, 2, and 3; and 43A.36, subd. 1; 43A.421

Adds Minn. Stat. §§ 43A.02, subds. 3a, 18a, and 35a; 43A.16, subd. 14a; 43A.21, subd. 6; and 43A.431 Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/62/>

A. GENERAL DIRECTION TO AGENCIES

Requires heads of agencies to provide training regarding bias to managers and supervisors responsible for hiring and evaluating employee performance. Requires agencies to use equitable and inclusive practices to attract and recruit protected class employees, eliminate discrimination against protected group employees, and ensure equitable access to development and training, advancement, and promotional opportunities. Requires Minnesota Management and Budget to ensure that technology is accessible and provided in a timely manner.

B. ACCESSIBLE FORMATTING

Adds accessible formatting requirements for a variety of functions.

C. RECRUITING, HIRING, AND ADVANCEMENT

Adds “qualified individuals with disabilities” to the list of protected group members who should receive special emphasis in recruiting efforts and as a group to be included when making appointments to the classified service. Requires agencies’ plans to include: (1) ensuring adequate hiring, placement, and advancement opportunities for individuals with disabilities at all levels of state employment; and (2) coordination with statewide ADA and Disability Employment Director and Chief Inclusion Officer.

D. TRAINING

Amends manager training requirements to include training on inclusive work environments, disability awareness, cultural competence, and other equity and diversity issues. Also requires agencies to conduct an annual ADA self-assessment to ensure the training programs meet design standards.

E. AGENCY ADA COORDINATOR

Requires each executive branch agency to designate an ADA coordinator.

XV. ABLE ACCOUNTS

2023 Minn. Laws, Chapter 50, Article 1, Sections 34 and 35

Omnibus Human Services Policy Bill

Amends Minn. Stat. §§ 524.5-104 and 524.5-313

Effective May 24, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/50/>

Provides that, while a person may transfer money to a minor's ABLE account, only a guardian can establish an ABLE account. Prohibits the guardian from administering the ABLE account in their capacity as guardian, but permits the guardian to appoint or name a person to exercise signature authority over an ABLE account.

XVI. GUARDIAN AND CONSERVATOR BACKGROUND STUDIES

2023 Minn. Laws, Chapter 70, Article 7, Section 8

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. § 245C.033

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Provides that, in conducting background checks on guardians and conservators, requests for maltreatment data submitted must include information regarding whether the guardian or conservator has been a perpetrator of substantiated maltreatment of a vulnerable adult or a minor.

XVII. HOUSING STABILITY SERVICES

2023 Minn. Laws, Chapter 70, Article 11, Section 2

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. § 256B.051, subd. 5

Effective January 1, 2024, or upon federal approval, whichever is earlier

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Adds that housing transition costs are available to persons transitioning from a provider-controlled setting to the person's own home and include: (1) security deposits; and (2) essential furnishings and supplies.

XVIII. RIGHTS OF DEAF OR HARD-OF-HEARING PERSONS

2023 Minn. Laws, Chapter 52, Article 19, Section 62

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 363A.11, subd. 2

Effective August 1, 2024, for all places of public accommodation

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Makes it a discriminatory act in a place of public accommodation not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing individuals with closed-captioned television when television services are provided to other individuals

XIX. STUDIES AND REPORTS

A. ACCESS TO SERVICES FOR PEOPLE WITH CO-OCCURRING BEHAVIORAL HEALTH CONDITIONS AND DISABILITIES

2023 Minn. Laws, Chapter 61, Article 1, Section 74

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Directs DHS, in consultation with stakeholders, to evaluate options to expand federally approved home and community-based waiver services, including positive support, crisis respite, respite, and specialist services to decrease the number of people who remain in hospitals, jails, and other acute or crisis settings when they no longer meet medical or other necessity criteria.

B. SUPPORTED-DECISION-MAKING REIMBURSEMENT

2023 Minn. Laws, Chapter 61, Article 1, Section 76

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

Directs DHS to issue a report detailing how medical assistance service providers, including all HCBS programs, could be reimbursed for providing supported decision-making services. Requires the report to include strategies to promote equitable access to supported-decision-making services to individuals who: (1) are BIPOC; (2) are from culturally specific communities; (3) reside in rural communities; and (4) others who have barriers to accessing HCBS services.

C. PRESUMPTIVE ELIGIBILITY FOR LONG-TERM SERVICES AND SUPPORTS

2023 Minn. Laws, Chapter 61, Article 1, Section 81

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61>

Directs DHS to conduct a study and report, by January 1, 2025, on presumptive financial and functional eligibility for individuals with disabilities and older adults in medical assistance, alternative care, and essential community supports.

D. BRAIN INJURY AND CADI WAIVERS

2023 Minn. Laws, Chapter 50, Article 1, Section 37

Omnibus Human Services Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/50/>

Requires DHS to determine the brain injury (BI) or community access for disability inclusion (CADI) waiver customized living and 24-hour customized living size limitation exception applies to specified HUD-subsidized housing settings in Minneapolis and Grand Rapids.

DOMESTIC ABUSE AND SEXUAL ASSAULT LAW

I. COERCED DEBT INCURRED BY SURVIVORS OF DOMESTIC VIOLENCE

2023 Minn. Laws, Chapter 57, Article 3, Sections 69 - 73

Omnibus Commerce Bill

Adds Minn. Stat. § 332.71 - 332.75

Effective January 1, 2024, and applies to all debts incurred on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

A. DEFINITION

Defines “coerced debt” to mean “all or a portion of debt in a debtor's name that has been incurred as a result of: (1) the use of the debtor's personal information without the debtor's knowledge, authorization, or consent; (2) the use or threat of force, intimidation, undue influence, harassment, fraud, deception, coercion, or other similar means against the debtor; or (3) economic abuse perpetrated against the debtor. Coerced debt does not include secured debt.”

B. COERCED DEBT PROHIBITED

Prohibits any person from causing another person to incur coerced debt.

C. ACTIONS A SURVIVOR CAN TAKE TO OBTAIN RELIEF FROM COERCED DEBT

1. Legal Action

Gives a survivor of domestic violence the right to petition the district court for equitable relief that includes: (1) a declaratory judgment that the debt is coerced debt; (2) an injunction prohibiting a creditor from holding and attempting to hold the survivor liable for the debt; and (3) an order dismissing any existing cause of action and prohibiting any future action against the survivor to enforce the debt.

2. Prerequisite to Taking a Legal Action

Requires the survivor, before filing a petition for relief, to notify the creditor and provide proof identified in the statute that the debt is coerced. Gives the creditor 30 days to notify the survivor whether the creditor will cease or continue collection activity.

II. EMERGENCY CARE TO SEXUAL ASSAULT SURVIVORS

2023 Minn. Laws, Chapter 52, Article 5, Section 2

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 145.4712, subds. 1 and 2

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Extends the standards of care and other requirements for the provision of emergency care to sexual assault survivors “other health care providers” in addition to the existing applicability to hospitals.

III. DOMESTIC ABUSE PROGRAMS

2023 Minn. Laws, Chapter 52, Article 5, Section 55

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 611A.32

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Adds “housing supports” to the emergency shelter services that are eligible for funding under grants administered by the Office of Justice Programs of the Department of Public Safety.

EDUCATION LAW

I. FREE SCHOOL BREAKFAST AND LUNCH; RESPECTFUL TREATMENT

2023 Minnesota Laws, Chapter 18 and Chapter 55, Article 9, Section 3

Amends Minn. Stat. §§ 124D.111; 124D.1158; and 126C.05

Adds Minn. Stat. §§ 124D.111, subs. 1b, 1c, and 1d

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/18/>

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Creates a free school meals program in the Department of Education. Prohibits a school district, charter school, or nonpublic school in the free school meals program from charging a fee to any student for school lunch. Requires any school participating in the free school meals program to provide breakfast at no cost to the student. Clarifies that schools participating in the National School Lunch Program may not shame students with debts by giving them an alternative meal.

II. SADISTIC AND MALICIOUS CONDUCT

2023 Minnesota Laws, Chapter 55, Article 2, Section 22

Adds Minn. Stat. § 121A.0312

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Requires districts to adopt and conspicuously post a written policy to address malicious and sadistic conduct and sexual exploitation by both staff and students.

III. NON-EXCLUSIONARY DISCIPLINE

2023 Minnesota Laws, Chapter 55, Article 2, Sections 26, 29, 32

Amends Minn. Stat. §§ 121A.41 and 121A.45

Effective for the 2023-2024 School Year

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

A. Definition

Defines "nonexclusionary disciplinary policies and practices" to mean policies and practices that are alternatives to dismissing a pupil from school, including but not limited to: (1) evidence-based positive behavior interventions and supports; (2) social and emotional services; (3) school-linked mental health services; (4) counseling, social work, and alternative education services; and (5) academic screening for Title 1 services or reading interventions.

B. Prerequisite to Dismissal

Clarifies that no school may dismiss a student without attempting non-exclusionary policies and practices unless the student poses an immediate and substantial danger to self or to surrounding persons or property. Requires notice.

IV. K-3 SUSPENSIONS BANNED

2023 Minnesota Laws, Chapter 55, Article 2, Section 28

Amends Minn. Stat. § 121A.425

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Prohibits the suspension of students in grades K-3. Clarifies that dismissals from school for less than one school day are not suspensions for children who are not receiving special education services.

V. ALTERNATIVE EDUCATION SERVICES

2023 Minnesota Laws, Chapter 55, Article 2, Sections 30 and 31

Amends Minn. Stat. § 121A.46, subd. 4

Adds Minn. Stat. § 121A.46, subd. 5

Effective for the 2023-2024 School Year

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Requires alternative education services be provided to a student who is suspended for more than five consecutive school days. Requires school administrations to allow a suspended student to complete all school work assigned during the student's suspension and to receive full credit for satisfactorily completing assignments. Encourages the school principal to designate a district or school employee as a liaison to work with the student's teachers to allow the suspended student to: (1) receive timely course materials and other information; and (2) complete daily and weekly assignments and receive teachers' feedback.

VI. PUPIL WITHDRAWAL AGREEMENTS

2023 Minnesota Laws, Chapter 55, Article 2, Sections 27, 29, 34, 35

Amends Minn. Stat. §§ 121A.41; 121A.45; and 121A.55

Effective for the 2023-2024 School Year

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Defines a pupil withdrawal agreement as a 12-month oral or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student to avoid expulsion or exclusion. Requires attempts at non-exclusionary discipline before using pupil withdrawal agreements. Requires policy development and reporting.

VII. PHYSICAL HOLDS AND RESTRAINTS PROHIBITED

2023 Minnesota Laws, Chapter 55, Article 2, Section 36 ; Article 12, Section 4

Amends Minn. Stat. §§ 121A.58 and 121A.582

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Establishes that prone restraint and certain physical holds are not allowed. Prohibits an employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, from using prone restraint. Prohibits an employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, from inflicting any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso. Provides that nothing in the section precludes the use of reasonable force under section 121A.582. Clarifies that a school employee, school bus driver, or other agent of the district may use reasonable force to restrain a student to prevent bodily harm or death to the student or to another. Requires district reporting when reasonable force is used against a student.

VIII. COMPLAINT PROCESS

2023 Minnesota Laws, Chapter 55, Article 2, Sections 37 and 39

Amends Minn. Stat. §§ 121A.61 and 121A.61

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Requires school boards to create a district complaint procedure that any school community member can use to file a complaint regarding the application of discipline policies and seek corrective action.

IX. SCHOOL SUPPORTS

2023 Minnesota Laws, Chapter 55, Article 2, Section 40

Amends Minn. Stat. § 121A.61

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Strongly encourages school boards to adopt a policy promoting the understanding among school staff that when a student is unable to meet adult expectations, it is often because the student lacks the skills to respond to a situation appropriately. Encourages the policy to promote relationship building between students and staff and discourages reactive, negative responses to unwanted student behavior.

X. RECESS

2023 Minnesota Laws, Chapter 55, Article 2, Section 41

Adds Minn. Stat. § 121A.611

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Prohibits “recess detention” unless: (1) a student causes or is likely to cause serious physical harm to other students or staff; (2) the student’s parent or guardian consents; or (3) a student’s IEP states that withholding recess is appropriate. Requires notice and reporting.

XI. “PUPIL” DEFINITION; AGE EXPANSION

2023 Minnesota Laws, Chapter 55, various sections

Amends Minn. Stat. § 121A.41 and other conforming sections

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Clarifies that a “pupil” includes students with disabilities who are under 22 years old and have not received a regular high school diploma. Adds students with disabilities between the ages of 21 and 22 to the graduation incentives program eligibility.

XII. SECLUSION

2023 Minnesota Laws, Chapter 55, Article 7, Section 8

Amends Minn. Stat. § 125A.0942

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Prohibits the use of seclusion for children birth to grade three by September 1, 2024. Requires an MDE-facilitated stakeholder group to make legislative recommendations by February 1, 2024 for the urgent end to seclusion in all grades.

XIII. ACCESS TO MENSTRUAL PRODUCTS

2023 Minnesota Laws, Chapter 55, Article 1, Section 1

Amends Minn. Stat. § 121A.212

Effective January 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Requires public schools to provide access to free menstrual products in restrooms regularly used by students grades 4 to 12.

XIV. NALOXONE

2023 Minnesota Laws, Chapter 55, Article 1, Section 2

Amends Minn. Stat. § 121A.224

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/55/>

Requires schools to keep a supply of nasal naloxone and other opioid antagonists onsite to treat drug overdoses.

ELDER LAW

I. GUARDIAN AND CONSERVATOR BACKGROUND STUDIES

2023 Minn. Laws, Chapter 70, Article 7, Section 8

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. § 245C.033

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Provides that, in conducting background checks on guardians and conservators, requests for maltreatment data submitted must include information regarding whether the guardian or conservator has been a perpetrator of substantiated maltreatment of a vulnerable adult or a minor.

II. LEGISLATIVE TASK FORCE ON AGING

2023 Minn. Laws, Chapter 62, Article 2, Section 120

Omnibus State Government Finance Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/62/>

Creates a Legislative Task Force on Aging, consisting of representatives from various government agencies, to: (1) review and develop state resources for an aging demographic; (2) identify and prioritize necessary support for an aging population through statewide and local endeavors for people to remain in their communities; and (3) ensure all aging-related state policies are inclusive of race, gender, ethnicity, culture, sexual orientation, abilities, and other characteristics that reflect the full population of the state.

FAMILY LAW

MINNESOTA INDIAN FAMILY PRESERVATION ACT (MIFPA)

2023 Minnesota Laws, Chapter 16

Adds to and amends Chapter 260

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/16/>

- Makes various changes to MIFPA. Among other things, sets forth a policy on Tribal-State relations, which includes a statutory acknowledgment that “[t]he state of Minnesota recognizes all federally recognized Indian Tribes as having the inherent authority to determine their own jurisdiction for any and all Indian child custody or child placement proceedings regardless of whether the Tribe's members are on or off the reservation and regardless of the procedural posture of the proceeding.” Addresses emergency removal, improper removal, and child placement, among other things.

Note: The legislation was brought in anticipation of an adverse ruling by the United States Supreme Court in Haaland v. Brackeen -- a case challenging the constitutionality of federal Indian Child Welfare Act (ICWA), which the Supreme Court ultimately upheld – to codify the protections under the ICWA.

HEALTH LAW

I. UNWINDING THE COVID PUBLIC HEALTH EMERGENCY

2023 Minn. Laws, Chapter 22

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/22/>

Modifies procedural and eligibility requirements for Medical Assistance (MA) and MinnesotaCare (MNCare) enrollees as the state transitions from the end of the federal COVID public health emergency to resumption of regular processes. Among other things, the bill:

- Provides that asset limits for MA enrollees are disregarded until the second annual renewal following the resumption of renewals after March 31, 2023;
- Temporarily extends the timeframe to take final administrative action on fair hearing requests from MA and MNCare for almost two years but requires reinstatement and prohibits recoupment of benefits during this period;
- Prohibits DHS from collecting unpaid MNCare premiums for a coverage month that occurred during the federal public health emergency; and
- Requires DHS to waive MNCare premiums for all enrollees, beginning May 1, 2023, through June 30, 2024.

II. MEDICAL ASSISTANCE (MA) CHANGES

A. COST-SHARING AND DEDUCTIBLES

2023 Minn. Laws, Chapter 70, Article 16, Sections 12, 13, 61

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256B.0631, subd. 1

Adds Minn. Stat. § 256B.0631, subd. 1a

Effective January 1, 2024, for all MA plans offered, issued, or renewed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Prohibits cost-sharing and deductibles for any MA recipient or MA benefit. For prescription drugs, limits co-pays to no more than: (1) \$25 per one-month supply for each prescription drug, regardless of the amount or type of medication required to fill the prescription; and (2) \$50 per month in total for all related medical supplies.

B. CONTINUOUS ELIGIBILITY

2023 Minn. Laws, Chapter 70, Article 16, Section 11

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256B.056, subd. 7

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

1. Children Under the Age of Six

Provides for continuous eligibility through the month the child reaches six years of age.

Effective January 1, 2025, or upon federal approval, whichever is earlier

2. Children Under the Age of 19

Provides for 12 month continuous eligibility.

Effective January 1, 2024, or upon federal approval and the implementation of required administrative and systems changes, whichever is later

3. Children Age 19 to 21

Provides for 12 month continuous eligibility.

Effective January 1, 2025, or upon federal approval, whichever is earlier

C. GENDER AFFIRMING SERVICES COVERAGE

2023 Minn. Laws, Chapter 70, Article 17, Section 43

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256B.0625, subd. 3a

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Provides that MA covers gender affirming services.

D. SERVICES COVERED UNDER ALTERNATIVE CARE

2023 Minn. Laws, Chapter 61, Article 2, Section 5

Omnibus Human Services Finance and Policy Bill

Amends Minn. Stat. § 256B.0913, subd. 5

Effective January 1, 2024, or upon federal approval, whichever is later

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Provides that consumer-directed community supports under the alternative care programs for which MA pays will no longer be limited to the average monthly expenditures representative of all alternative care program participants for the same case mix resident class assigned in the most recent fiscal year for which complete expenditure data is available.

E. ADULT DENTAL BENEFITS

*2023 Minn. Laws, Chapter 70, Article 1, Section 11
Omnibus Health Finance and Policy Bill
Amends Minn. Stat. § 256B.0625, subd. 9
Effective January 1, 2024, or upon federal approval, whichever is later
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>*

Restores the comprehensive MA adult dental benefit, expressly providing that MA covers medically necessary dental services. Strikes language that limits MA coverage of dental services for adults who are not pregnant to specific services

F. PRESCRIPTION CONTRACEPTION COVERAGE

*2023 Minn. Laws, Chapter 70, Article 1, Section 12
Omnibus Health Finance and Policy Bill
Amends Minn. Stat. § 256B.0625, subd. 13
Effective July 1, 2023
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>*

Makes an exception to the 34-day supply limit on prescription drugs and requires MA to cover a 12-month supply for any prescription contraceptive if prescribed by the prescribing health care provider.

G. COVERAGE OF ABORTIONS

*2023 Minn. Laws, Chapter 70, Article 1, Section 18
Omnibus Health Finance and Policy Bill
Amends Minn. Stat. § 256B.0625, subd. 16
Effective May 24, 2023
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>*

To conform with the 2022 District Court decision declaring existing limitations in abortion coverage under MA to be unconstitutional under the 1995 Minnesota Supreme Court decision in *Doe v. Gomez*, the Legislature struck the language limiting MA coverage of abortion services to situations in which the abortion is a medical necessity to prevent the death of the mother, as certified by two physicians, or is the result of rape or incest. Revised language also requires MA to cover abortion services determined to be medically necessary by the treating provider.

H. ADDITIONAL MA COVERAGE CHANGES

2023 Minn. Laws, Chapter 70, Article 1, Sections 21, 23, 24, 25, 26, 27

Omnibus Health Finance and Policy Bill

Amends various subdivisions of Minn. Stat. § 256B.0625

Adds Minn. Stat. § 256B.0701

Effective May 24, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Extends MA coverage to: (1) seizure detection services; (2) tobacco and nicotine cessation services; (3) biomarker testing; (4) diagnosis, monitoring, and treatment of rare diseases; and (5) recuperative care services. Creates new section defining, and establishing eligibility and setting payment rates for, recuperative care services.

III. MINNESOTACARE CHANGES

A. COVERAGE OF UNDOCUMENTED PERSONS

2023 Minn. Laws, Chapter 70, Article 1, Section 38

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256L.04, subd. 10

Effective January 1, 2025

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Makes undocumented persons eligible for MNCare.

B. COST-SHARING CHANGES

2023 Minn. Laws, Chapter 70, Article 1, Section 39

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256L.03, subd. 5

Effective January 1, 2024, or upon federal approval, whichever is later

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Prohibits cost-sharing under MNCare for: (1) drugs used for tobacco and nicotine cessation; (2) PrEP and PEP medications when used for preventing or treating HIV; and (3) additional diagnostic services or testing that a health care provider determines an enrollee requires after a mammogram.

C. COVERAGE OF ABORTIONS

2023 Minn. Laws, Chapter 70, Article 1, Section 38

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256L.03, subd. 1

Effective May 24, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Strikes language limiting public funds used to cover abortions under MNCare.

IV. CHANGES AFFECTING BOTH MA AND MNCare

A. LIMITS ON RECOVERY OF MA AND MNCare OVERPAYMENTS

2023 Minn. Laws, Chapter 70, Article 1, Section 2

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256.0417, subd. 1

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Limits DHS' authority to recover MA or MNCare overpayments provided during a period for which an appeal is pending to recovery of benefits received during an unsuccessful appeal of an adverse eligibility determination.

B. DISENROLLMENT

2023 Minn. Laws, Chapter 70, Article 1, Section 40

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. § 256B.04, subd. 26

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Prohibits DHS from disenrolling a person from MA or MNCare where mail sent to the recipient has been returned until: (1) at least two attempts to contact the individual by phone, email, or other methods; and (2) 30 days has elapsed from the most recent contact attempt. Requires DHS to regularly update addresses and contact information for enrollees.

C. PROGRAM RENEWALS FOLLOWING LIFTING OF PUBLIC HEALTH EMERGENCY

2023 Minn. Laws, Chapter 70, Article 1, Section 40

Omnibus Health Finance and Policy Bill

Amends Laws 2021, First Special Session, Chapter 7, Article 1, Section 36, as amended by Laws 2023, Chapter 22, Section 2

Effective May 24, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Provides that amounts in excess of asset limits must be disregarded for eligibility for public health programs for the second annual renewal following the resumption of renewals after March 31, 2023.

D. COVERAGE OF DACA CHILDHOOD ARRIVAL ENROLLEES

2023 Minn. Laws, Chapter 70, Article 1, Section 42

Omnibus Health Finance and Policy Bill

Effective July 1, 2023 and expires June 30, 2025

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Makes federally funded MA and MNCare available to Minnesotans who are Deferred Action for Childhood Arrival (DACA) recipients considered lawfully present in the state.

V. OTHER HEALTH CARE CHANGES

A. ADDITIONAL SERVICES FOLLOWING A MAMMOGRAM

2023 Minn. Laws, Chapter 70, Article 2, Section 2

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. § 62A.30, subd. 5

Effective January 1, 2024, for health plans offered, issued, or sold on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Requires coverage and prohibits cost-sharing -- including co-pays, deductibles, or coinsurance -- if a health care provider determines an enrollee requires additional diagnostic services or testing after a mammogram.

B. BALANCE BILLING (“NO SURPRISE BILLING”) PROTECTIONS

2023 Minn. Laws, Chapter 70, Article 2, Sections 5 and 30

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 62Q.556

Adds Minn. Stat. § 62J.811

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Requires all health care providers and health plans to comply with federal “No Surprises Act” and prohibits balanced billing by health plans when enrollees accept services from nonparticipating providers.

C. HMO CO-PAYMENTS AND DEDUCTIBLES FOR PREVENTATIVE SERVICES

2023 Minn. Laws, Chapter 57, Article 2, Sections 18 and 19

Omnibus Commerce Bill

Amends Minn. Stat. § 62D.095, subds. 2, 3, and 5

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

Prohibits Health Maintenance Organizations (HMOs) from imposing co-payments or deductibles for preventive services.

D. HEALTH PLAN CHANGES

2023 Minn. Laws, Chapter 57, Article 2, Sections 42, 46, and 52

Omnibus Commerce Bill

Amends Minn. Stat. §§ 62Q.81, subd. 4, and 62Q.46, subd. 1

Adds Minn. Stat. § 62Q.481

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

1. Essential Health Benefits

Adds “preventative items and services” to the definition of “essential benefits.”

Effective July 1, 2023

2. Co-Payments and Deductibles for Preventative Services

Specifies what constitutes “preventative items and services,” which include, among other things, immunizations and screenings involving womens’ health and HIV, where co-payments and deductibles are prohibited.

Effective July 1, 2023

- 3. Cost-Sharing for Prescription Drugs to Treat Chronic Disease**
Requires a health plan to limit the amount of any enrollee cost-sharing for prescription drugs prescribed to treat a chronic disease to no more than: (1) \$25 per one-month supply for each prescription drug, regardless of the amount or type of medication required to fill the prescription; and (2) \$50 per month in total for all related medical supplies.
Effective January 1, 2025, and applies to health plans offered, issued, or renewed on or after that date.

- E. MENTAL HEALTH PARITY AND SUBSTANCE ABUSE ACCOUNTABILITY OFFICE**
2023 Minn. Laws, Chapter 57, Article 2, Section 44
Omnibus Commerce Bill
Adds Minn. Stat. § 62Q.465
Effective July 1, 2023
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

Creates a Mental Health Parity and Substance Abuse Accountability Office within the Department Commerce to create and execute effective strategies for implementing the requirements under: (1) Minnesota law governing alcoholism, mental health, and chemical dependency services; and (2) various federal laws, including the Mental Health Parity Act of 1996 and the Affordable Care Act.

VI. BEHAVIORAL HEALTH

- A. SOBER HOMES**
2023 Minn. Laws, Chapter 61, Article 4, Sections 8 and 14
Omnibus Human Services Finance and Policy Bill
Adds Minn. Stat. §§ 254B.01, subd. 10 and 254B.181, subds. 2 - 4
Effective July 1, 2023
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

- 1. Definition**
Adds a definition of “sober home.”
- 2. Bill of Rights**
Creates a Bill of Rights for residents of sober homes that includes the right to, among other things, assert the resident’s rights personally or have them asserted by the individual's representative or by anyone on behalf of the individual without retaliation.

- 3. Requirements of Providers**
Sets forth a list of requirements, including written policies for evictions.
- 4. Complaints**
Gives the Ombudsman for Mental Health and Developmental Disabilities the power to review and investigate resident complaints.
- 5. Private Right of Action**
Gives residents the right to bring an action to recover damages caused by a violation of the statute (but does not provide for attorney fees or costs).
- 6. Sober Home Title Protection**
Prohibits the use of the phrase "sober home," whether alone or in combination with other words and whether orally or in writing, to advertise, market, or otherwise describe, offer, or promote itself, or any housing, service, service package, or program that it provides within this state, unless the person or entity meets the definition of a sober home and meets the requirements of the new rights and requirements section (Minn. Stat. § 254B.181).
- 7. Interaction of Cannabis Legalization and Sober Homes**
2023 Minn. Laws, Chapter 63, Article 6, Section 56
Cannabis Legalization Bill
Adds Minn. Stat. § 504B.1715
Effective August 1, 2023
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/>

Permits a sober housing program to prohibit people in the program from possessing and using cannabis flower or products, or hemp edibles or hemp-derived consumer products.

B. OFFICE OF ADDICTION AND RECOVERY

2023 Minn. Laws, Chapter 61, Article 4, Section 1

Omnibus Human Services Finance and Policy Bill

Adds Minn. Stat. § 4.046, subd. 6

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Creates the Office of Addiction and Recovery for youth and adults, with youth as a focus, to address prevention, addiction, treatment, and recovery.

C. PRONE RESTRAINT PROHIBITION

2023 Minn. Laws, Chapter 70, Article 17, Section 19

Omnibus Health Finance and Policy Bill

Adds Minn. Stat. § 245A.211

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Prohibits the use of prone restraints in licensed programs under Chapters 245A, 245D, 245F, 245G, 245H, 245I. Specifies limited exceptions when prone restraint is permissible.

D. ALCOHOLISM, MENTAL HEALTH, AND CHEMICAL DEPENDENCY SERVICES

2023 Minn. Laws, Chapter 50, Article 2, Sections 2 and 3

Omnibus Human Services Policy Bill

Amends Minn. Stat. §§ 62Q.47 and 62Q.1055

Effective August 1, 2023, unless otherwise noted

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/50/>

Moves the provisions governing assessment criteria that community networks, chemical dependency facilities under contract with a community network, and health plan companies must use when assessing enrollees for chemical dependency treatment from Minnesota Rules, parts 9530.6600 to 9530.6655, to Minn. Stat. § 245G.05.

E. RULES FOR SUBSTANCE USE DISORDER CARE

2023 Minn. Laws, Chapter 50, Article 2, Section 22

Omnibus Human Services Policy Bill

Amends Minn. Stat. § 254A.03, subd. 3

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/50/>

Eliminates the requirement that the DHS establish rule criteria to be used in determining the appropriate level of substance use disorder care for each recipient of public assistance seeking treatment. Retains the requirement that eligible vendors determine the appropriate level.

F. ELIGIBILITY FOR SUBSTANCE ABUSE SERVICES

2023 Minn. Laws, Chapter 50, Article 2, Sections 45

Omnibus Human Services Policy Bill

Amends Minn. Stat. §§ 254A.03, subd. 3, and 254B.04, subd. 2a

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/50/>

Provides that a client is eligible to have substance use disorder treatment paid for with state funds if the client is eligible for MFIP, MA, or GA, or is otherwise eligible based on income.

HOUSING LAW

I. CHANGES TO LANDLORD-TENANT LAW (CHAPTER 504B)

A. EVICTION COURT PROCEDURE

1. Pre-Eviction Notice

2023 Minn. Laws, Chapter 52, Article 19, Section 105

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for all actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Requires landlords to issue a 14-day pre-eviction notice to tenants before filing an eviction. Specifies the contents of the notice, including providing information about where to obtain Legal Aid services and how to access financial/rental assistance. Provides that the pre-eviction notice constitutes verification of an emergency for purposes of applications for emergency and other public assistance. Requires that landlords attach the notice to the complaint and requires the court to dismiss the action (without prejudice) and expunge the eviction for failure to attach the notice. *Amends Minn. Stat. § 504B.321, subd. 1 (notice requirement)*
Adds Minn. Stat. § 504B.321, subds. 1a (contents of notice)
Adds Minn. Stat. § 504B.321, subds. 1b (verification of emergency)

2. “Pay to Defend”

2023 Minn. Laws, Chapter 52, Article 19, Sections 103, 107, and 111

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for all actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

a. Cases Where Allegations are Combined

A tenant is no longer required to pay into court the amount of rent in arrears, interests, and costs. If the landlord fails to prevail on the breach claim, the court may no longer order the tenant to pay rent and any costs determined to be owed to the landlord or to the court.

Amends Minn. Stat. § 504B.284, subd. 5

b. At First Appearance

The court may no longer require the defendant to pay any amount of back rent into court, post a bond or any security before final disposition of an action, except if the final disposition of the action may be delayed for more than ten days, the court may order the defendant to provide security for future rent as the court approves, based on the totality of the circumstances, but the amount can't exceed the monthly or periodic rent that accrues during the pendency of the action.

Amends Minn. Stat. § 504B.335

c. Appeal Bond

Limits the amount of bond to the regular rent due (excludes damages) and provides that the court may not require a bond including back rent, late fees, disputed charges, or any other amount in excess of the regular rent as it accrues each month.

Amends Minn. Stat. § 504B.371, subd. 3

3. Scheduling a Trial at First Appearance

2023 Minn. Laws, Chapter 52, Article 19, Sections 107 and 115

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for all actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

When scheduling a trial date, the court must select a date that allows for a fair, thorough, and timely adjudication of the merits of the case, including: (1) the complexity of the matter; (2) the need for the parties to obtain discovery; (3) the need for the parties to ensure the presence of witnesses; (4) the opportunity for the defendant to seek legal counsel and raise affirmative defenses; and (5) any extenuating factors enumerated under section 504B.171.

Amends Minn. Stat. § 504B.335 (answer, trial)

Repeals Minn. Stat. § 504B.341 (continuance of trial)

4. Redemption of Tenancy

2023 Minn. Laws, Chapter 52, Article 19, Section 104

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Allows redemption may be made with a written guarantee from: (1) a federal or state agency, or local unit of government, or (2) a nonprofit organization that administers a government rental assistance program.

Amends Minn. Stat. § 504B.291, subd. 1

5. Expedited Procedure

2023 Minn. Laws, Chapter 52, Article 19, Section 105

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Narrows the bases for an expedited hearing and exceptions to staying a writ. Eliminates “nuisance or illegal behavior” as a reason to seek an expedited hearing and revises current law to read if “the residential tenant engages in behavior that seriously endangers the safety of other residents, or intentionally and seriously damages the property of the landlord or a tenant.”

Amends Minn. Stat. § 504B.321, subd. 2 (complaint and summons)

Amends Minn. Stat. § 504B.335 (answer; trial)

Amends Minn. Stat. § 504B.345, subd. 1 (judgment; writ)

6. Contents of Complaint

2023 Minn. Laws, Chapter 52, Article 19, Section 105

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Adds specifications as to what the complaint (or attachments to the complaint) must contain, which include, among other things: (1) a copy of the lease; conduct constituting an alleged breach or violation of section 504B.171; (2) “a detailed, itemized accounting or statement listing the amounts; (3) any notice to quit; and (4) a statement regarding whether the unit publicly subsidized.

Adds Minn. Stat. § 504B.321, subd. 3

7. Contents of Summons; Contents of Writ of Recovery

*2023 Minn. Laws, Chapter 52, Article 19, Sections 105 and 109
Omnibus Judiciary and Public Safety Bill*

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Adds specifications as to what the summons must contain, which include, among other things, information on how to access Legal Aid services and where to seek financial/rental assistance.

Adds Minn. Stat. § 504B.321, subd. 4 (summons)

Amends Minn. Stat. § 504B.361, subd. 1 (writ of recovery)

8. Defective Filing or Service

2023 Minn. Laws, Chapter 52, Article 19, Section 105

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Provides that the court must dismiss the action and expunge the eviction for a violation of Minn. Stat. § 504B.321.

Adds Minn. Stat. § 504B.321, subd. 4

9. Motion to Vacate

2023 Minn. Laws, Chapter 52, Article 19, Section 109

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Adds that any party may bring a motion to vacate a judgment in an eviction action. Provides that an order denying a motion to vacate a judgment is considered a judgment for purposes of appeal under section 504B.371.

Adds Minn. Stat. § 504B.345, subd. 3

10. Stay on Appeal

2023 Minn. Laws, Chapter 52, Article 19, Section 114

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for actions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Modifies existing law to make the exceptions and bond requirements apply only in claims where a plaintiff prevailed on an action related to breach of the lease by unlawful activity.

Amends Minn. Stat. § 504B.371, subd. 7 (writ of recovery)

B. EXPUNGEMENT

1. Discretionary Expungement

2023 Minn. Laws, Chapter 52, Article 19, Section 117

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Removes the requirement that, to grant a discretionary expungement, the court must find that “the plaintiff’s case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case.” Under the revised language, to grant an expungement, the court must find only that expungement is clearly in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the record.
Amends Minn. Stat. § 484.014, subd. 2

2. Mandatory Expungement

2023 Minn. Laws, Chapter 52, Article 19, Section 118

Omnibus Judiciary and Public Safety Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

2023 Minn. Laws, Chapter 63, Article 6, Section 54

Cannabis Legalization Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/>

a. Additional Grounds for Mandatory Expungement

Adds the following conditions under which the court is mandated to grant an expungement: (1) if the defendant prevailed on the merits; (2) if the court dismissed the plaintiff’s complaint for any reason; (3) if the parties to the action have agreed to an expungement; (4) three years after the eviction was ordered; or (5) upon motion of a defendant, if the case is settled and the defendant fulfills the terms of the settlement.

Amends Minn. Stat. § 484.014, subd. 3

Effective January 1, 2024

- b. Cannabis Bill – Conforming Amendments
Provides that the court must order expungement, upon motion of the tenant, if: (1) the eviction case was commenced on the grounds of a violation of Minn. Stat. § 504B.171 or any other claim of breach regardless of when the original eviction was ordered, if the tenant could receive an automatic expungement under the new Cannabis Law, Minn. Stat. § 609A.055; or (2) if the breach was based solely on the possession of marijuana or THC.
Amends Minn. Stat. § 484.014, subd. 3
Effective August 1, 2023

C. NEW TENANT RIGHTS/REMEDIES

1. Emergency Tenant Remedies Actions

2023 Minn. Laws, Chapter 52, Article 19, Sections 93 and 94

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for petitions filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

- a. Additional Causes of Action
Adds the following causes of action for an ETRA: (1) revocation of a rental license; (2) when a unit of government has issued a condemnation order or a notice of intent to condemn, or has otherwise deemed the property uninhabitable; (3) a serious infestation; (4) nonfunctioning refrigerator; (5) if included in a lease, a nonfunctioning air conditioner or elevator; and (6) any conditions, services, or facilities that pose a serious and negative impact on health or safety.
Amends Minn. Stat. § 504B.381, subd. 1
- b. Relief Available
If proof that the tenant has given proper notice, the court must order immediate remedial action by the landlord and the court (and the petition) must serve the order and include a notice of hearing.
Amends Minn. Stat. § 504B.381, subd. 5

2. Right to Counsel in Public Housing

2023 Minn. Laws, Chapter 52, Article 19, Section 89

Omnibus Judiciary and Public Safety Bill

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Establishes the right to a court-appointed counsel for defendants in public housing subject to eviction for breach of lease who are financially unable to afford to obtain counsel.

Adds Minn. Stat. § 504B.268

3. Move-In/Move-Out Inspections

2023 Minn. Laws, Chapter 52, Article 19, Sections 85 and 86

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Gives tenants the option to request: (1) an initial inspection to identify existing deficiencies in the rental unit; and (2) a move-out inspection to allow the tenant an opportunity to remedy identified deficiencies in order to avoid deductions from the security deposit.

Allows for damages. Prohibits waiver.

Amends Minn. Stat. § 504B.178, subd. 4 (damages)

Adds Minn. Stat. § 504B.182 (initial/final inspection)

4. Termination of Lease Due to Infirmary

2023 Minn. Laws, Chapter 52, Article 19, Section 101

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Allows a tenant or the authorized representative to terminate a lease with two months' notice but no penalty if the tenant (or, if more than one tenant, all the tenants) must move into a medical facility because they require assistance with instrumental activities of daily living or personal activities of daily living due to medical reasons or a disability; (2) meet one of the nursing facility level of care; or (3) meet conditions under the Adult Mental Health Act.

Prohibits waiver.

Adds Minn. Stat. § 504B.266

5. Pet Declawing and Devocalization

2023 Minn. Laws, Chapter 52, Article 19, Section 83

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Prohibits a landlord from: (1) advertising the availability of unit in a manner designed to discourage application because the applicant's animal has not been declawed or devocalized; (2) refusing to rent to a person because of the refusal to declaw or devocalize the animal; or (3) requiring a tenant or occupant to declaw or devocalize an animal that is allowed on the premises. Provides for civil penalties for violation.

Adds Minn. Stat. § 504B.114

6. Filing Fees for Certain Actions

2023 Minn. Laws, Chapter 52, Article 19, Section 92 and 95

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for petition filed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Provides that the court administrator may charge a filing fee for unlawful exclusion and emergency tenant remedies actions at the fee established for complaints and counterclaims in conciliation court.

Amends Minn. Stat. §§ 504B.375, subd. 1 (exclusion)

Adds Minn. Stat. §§ 504B.381, subd. 8 (ETRA)

D. NEW LANDLORD REQUIREMENTS

1. Entry by Landlord

2023 Minn. Laws, Chapter 52, Article 19, Sections 87 and 88

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Requires landlords to provide not less than 24 hours prior notice of the intent to enter the tenant's unit and specify the time or anticipated window of entry. Provides that landlords may enter only between 8:00 am and 8:00 pm. Allows tenants to allow less than 24 hours' notice or entry outside the entry period. Provides for a penalty of \$500 for violation.

Amends Minn. Stat. § 504B.211, subds. 2 (entry) and 6 (penalty)

2. Minimum Heat Requirement

2023 Minn. Laws, Chapter 52, Article 19, Section 91

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Requires landlords to supply or furnish heat at a minimum temperature of 68° during the Cold Weather Period (October 1 through April 30).

Amends Minn. Stat. § 504B.161

E. LEASE PROVISIONS

1. Disclosure of Fees

2023 Minn. Laws, Chapter 52, Article 19, Section 84

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed on or after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Requires landlords – in advertisements and on the first page of a lease -- to disclose all nonoptional fees and whether utilities are included or not included in the rent. Provides for treble damages for violation.

Adds Minn. Stat. § 504B.120

2. Early Lease Renewal

2023 Minn. Laws, Chapter 52, Article 19, Section 98

Omnibus Judiciary and Public Safety Bill

Effective January 1, 2024, for leases signed or renewed after that date

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Requires a landlord to “wait until six months from the expiration of the current lease before requiring a tenant to renew the lease, if the lease is for a period of time longer than ten months.” Prohibits waivers.

Adds Minn. Stat. § 504B.144

3. Limitation on Crime-Free Provisions

2023 Minn. Laws, Chapter 52, Article 19, Section 99

Omnibus Judiciary and Public Safety Bill

Effective June 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Prohibits landlords from imposing a penalty on a tenant or terminating a tenancy for the conduct of the residential tenant, household member, or guest occurring off of the premises or curtilage of the premises, unless: (1) the conduct is a crime of violence against another tenant, the tenant's guest, the landlord, or the landlord's employees; or (2) the conduct results in a conviction of a crime of violence.

Adds Minn. Stat. § 504B.171, subd. 2a

4. Cannabis and Covenants

2023 Minn. Laws, Chapter 63, Article 6, Section 55

Cannabis Legalization Bill

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/>

Amends the covenants regarding controlled substances to disallow such substances in premises “in violation of any criminal provision of Chapter 152” (the controlled substance law). Adds that a landlord cannot prohibit a tenant from legally possessing, and a tenant cannot waive the right to legally possess, any legal cannabis or hemp products, lower-potency hemp edibles, or hemp-derived consumer products, or using any cannabinoid product or hemp-derived consumer product. But, prohibits smoking or vaping or other means of consumption in multifamily buildings.

Amends Minn. Stat. § 504B.171, subd. 1

5. Cannabis Use a Nuisance

2023 Minn. Laws, Chapter 63, Article 1, Section 74

Cannabis Legalization Bill

Effective July 1, 2023

Makes “any use of adult-use cannabis flower which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property” a nuisance. Creates private right of action. Persons who are “injuriously affected or whose personal enjoyment is lessened by a nuisance” may seek injunctive relief and the greater of the person's actual damages or a civil penalty of \$250.

Adds Minn. Stat. § 342.82, subd. 1

6. Landlord/HOA Failure to Enforce Lease/Documents

2023 Minn. Laws, Chapter 63, Article 1, Section 74

Cannabis Legalization Bill

Effective July 1, 2023

Provides private right of action against a landlord who or a homeowner's association that fails to enforce the terms of a lease or HOA document and seek injunctive relief and the greater of the person's actual damages or a civil penalty of \$500.

Adds Minn. Stat. § 342.82, subd. 2

II. MANUFACTURED HOUSING RESIDENT PROTECTIONS

2023 Minn. Laws, Chapter 57, Article 5, Sections 1, 4 - 11

Omnibus Commerce Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

A. WATER RATES

Requires municipal utilities to charge manufactured home parks the residential rate for water, reflecting the end use, rather than treat the park as a commercial customer and charge the higher commercial rate, which the residents ultimately would pay.

Amends Minn. Stat. § 103G.91, subd. 4

Effective August 1, 2024, and applies to a billing period that begins on or after that date

B. UTILITY BILLING REFORM

Prohibits manufactured home park owners from charging residents for utilities at a rate higher than the rate the utility charges the owner. Requires that park owners apportion equally by the number of units the monthly fixed service charge and the taxes and surcharges. Requires the owner to deduct from any passthroughs the utility service used exclusively or primarily for the park owner's purposes.

Adds Minn. Stat. § 327C.04, subd. 5

Repeals Minn. Stat. § 327C.04, subd. 5

Effective July 1, 2023

C. WATER METERING

1. Park Owners Allowed to Install Water Meters

Specifies that the installation of water and sewer meters is not a substantial modification of the lease, and thus is allowed at any time. For residents for whom water was included in the lease, requires a park owner, who installs meters to freeze rents for 13 months following the first month the owner begins billing the resident for water.

Amends Minn. Stat. § 327C.015, subd. 17 (not substantial modification)

Adds Minn. Stat. § 327C.04, subd. 6 (rent increases)

Effective for meter installations on or after August 1, 2023

2. Physical Installation of Meters

Requires that utility meters installed by the park owner can only be installed or repaired by a licensed plumber, licensed electrician, or licensed manufactured home installer.

Amends Minn. Stat. § 327C.04, subd. 2

Effective August 1, 2023, and applies to meters installed/repaired on or after that date

III. HOMEOWNER ASSOCIATIONS (HOA) FORECLOSURE FOR ATTORNEY FEES

2023 Minn. Laws, Chapter 57, Article 5, Sections 12 - 15

Omnibus Commerce Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/57/>

A. ATTORNEY FEES EXCLUDED FROM AMOUNT REQUIRED TO REINSTATE

Excludes attorney fees from the amount a homeowner in an HOA must post to reinstate under Chapter 580 and 581 to avert foreclosure by the HOA on an owner's unit. The reinstatement amount includes only assessments, fines, and late fees owed.

Amends Minn. Stat. § 515B.3-116

Effective August 1, 2023, for foreclosures initiated on or after that date

B. ACCELERATION OF DUES PROHIBITED FOR REINSTATEMENT

Provides that dues not yet payable without acceleration may not be included in the amount a homeowner is required to pay to reinstate under Chapters 580 and 581.

Amends Minn. Stat. §§ 515B.3-115 and 515B.3-1151

Effective August 1, 2023

C. HOMEOWNER LIABILITY FOR ATTORNEY FEES IF PREVAILS AT BOARD HEARING

Disallows an HOA from charging attorney fees if the homeowner contests a fine or assessment, requests a hearing, and the board does not uphold the imposition of the fine or assessment.

Amends Minn. Stat. § 515B.3-102

Effective January 1, 2024, for all fines and assessments levied on or after that date

D. NOTICE TO RESIDENT WHEN FINED OR ASSESSED

Specifies the contents of the statutory notice required when a homeowner receives a notice of fine or assessment solely payable by that homeowner. The notice must explain the consequences of default and include, among other things: (1) specificity regarding the provision violated or damage caused; (2) state the right to be heard by the board; (3) a referral to the Minnesota Homeownership Center.

Amends Minn. Stat. § 515B.3-102

Effective January 1, 2024, for all fines and assessments levied on or after that date

IV. SOBER HOMES

2023 Minn. Laws, Chapter 61, Article 4, Sections 8 and 14

Omnibus Human Services Finance and Policy Bill

Adds Minn. Stat. §§ 254B.01, subd. 10 and 254B.181, subds. 2 - 4

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

1. Definition

Adds a definition of “sober home.”

2. Bill of Rights

Creates a Bill of Rights for residents of sober homes that includes the right to, among other things, assert the resident’s rights personally or have them asserted by the individual's representative or by anyone on behalf of the individual without retaliation.

3. Requirements of Providers

Sets forth a list of requirements, including written policies for evictions.

4. Complaints

Gives the Ombudsman for Mental Health and Developmental Disabilities the power to review and investigate resident complaints.

5. Private Right of Action

Gives residents the right to bring an action to recover damages caused by a violation of the statute (but does not provide for attorney fees or costs).

6. Sober Home Title Protection

Prohibits the use of the phrase "sober home," whether alone or in combination with other words and whether orally or in writing, to advertise, market, or otherwise describe, offer, or promote itself, or any housing, service, service package, or program that it provides within this state, unless the person or entity meets the definition of a sober home and meets the requirements of the new rights and requirements section (Minn. Stat. § 254B.181).

7. Interaction of Cannabis Legalization and Sober Homes

2023 Minn. Laws, Chapter 63, Article 6, Section 56

Cannabis Legalization Bill

Adds Minn. Stat. § 504B.1715

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/>

Permits a sober housing program to prohibit people in the program from possessing and using cannabis flower or products, or hemp edibles or hemp-derived consumer products.

V. HOUSING ASSISTANCE PROGRAMS

A. New Rental Assistance Program

2023 Minnesota Laws, Chapter 37, Article 2, Sections 1 and 2

Omnibus Housing Finance Bill

Adds Minn. Stat. § 462A.2095

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/37/>

Creates a state Rent Assistance Program for households with annual incomes of up to 50% of the area median. Directs that the program be operated by existing entities that administer rent assistance. Provides that assistance grants are equal to the difference between 30 percent of household income and the rent charged, plus an allowance for utilities if not included in rent. Exempts the rental assistance amount from being considered income for purposes of determining eligibility or recertifying eligibility for state public assistance, including but not limited to child care, MFIP, GA, MSA, food or housing supports and other.

B. First-Generation Homebuyers Down Payment Assistance Fund

2023 Minnesota Laws, Chapter 37, Article 2, Section 3

Omnibus Housing Finance Bill

Adds Minn. Stat. § 462A.41

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/37/>

Creates a down payment assistance program for first-generation homeowners. Offers the greater of 10% of the purchase price of the home or \$35,000. Allows the funds to be used for one or more of the following: closing costs, down payment, mortgage insurance, interest rate buy-down, and principal reduction. Specifies the terms of repayment if the loan is not forgivable.

C. Workgroup on Expediting Rental Assistance

2023 Minnesota Laws, Chapter 37, Article 6, Section 14

Omnibus Housing Finance Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/37/>

Establishes a workgroup consisting of, among other, Legal Aid, landlords, counties, state agencies, and housing advocates and charged with studying how to expedite both the processing of applications for rental assistance and for emergency rental assistance and the distribution of rental assistance funds to landlords, in order to identify what processes, procedures, and technological or personnel resources would be necessary to enable the administrators to: (1) within two weeks of receiving a completed application for rental assistance, make and issue a determination on the application; and (2) within 30 days of receiving a completed application for rental assistance, issue payment on an approved rental application to the landlord.

D. Stable Housing Mediation Program

2023 Minnesota Laws, Chapter 37, Article 1, Section 2, Subdivision 22

Omnibus Housing Finance Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/37/>

Appropriates for \$3 million over the next two years for a grant to Community Mediation Minnesota to administer a statewide housing mediation program to provide support to renters and residential rental property owners. Specifically, the funds must be used to, among other things, provide housing dispute resolution services, eviction prevention, mediation, and navigation services, and increase mediation services for seniors and renters with disabilities and illnesses that face housing instability.

HUMAN RIGHTS LAW

I. GENDER IDENTITY DISCRIMINATION IN REAL ESTATE APPRAISALS

2023 Minn. Laws, Chapter 52, Article 19, Section 43

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 82B.195, subd. 3

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Adds “gender identity” as a prohibited factor on which to base an appraisal.

II. GENDER IDENTITY DISCRIMINATION – MENTAL HEALTH UNIFORM STANDARDS

2023 Minn. Laws, Chapter 52, Article 19, Section 44

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 245I.12, subd. 1

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Expands clients’ rights under the Mental Health Uniform Standards Act (Chapter 245I) to include the right to be free from discrimination based on sexual identity.

III. GENDER IDENTITY PROTECTION UNDER THE MINNESOTA HUMAN RIGHTS ACT

2023 Minn. Laws, Chapter 52, Article 19, Sections 45 – 55, 57 – 61, 63 – 71

Omnibus Judiciary and Public Safety Bill

Amends various sections of Chapter 363A

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Adds “gender identity” to the existing protected classes throughout the Human Rights Act.

IV. REPEAL OF EXEMPTION OF CERTAIN ORGANIZATIONS FOR EMPLOYMENT DISCRIMINATION

2023 Minn. Laws, Chapter 52, Article 19, Section 72

Omnibus Judiciary and Public Safety Bill

Repeals Minn. Stat. § 363A.20, subd. 3

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Applies the Minnesota Human Rights Act’s prohibition against employment discrimination to a nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends, counselors, or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, including 4-H clubs, and other youth organizations.

V. REPEAL OF LEGISLATIVE INTENT REGARDING SAME SEX RELATIONS

2023 Minn. Laws, Chapter 52, Article 19, Section 72

Omnibus Judiciary and Public Safety Bill

Repeals Minn. Stat. § 363A.27

Effective July 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Removes the language in current statute that currently provides that the Human Rights Act should not be construed to: (1) “authorize the recognition of the right of marriage between persons of the same sex”; or (2) condone homosexuality or bisexuality.

VI. INQUIRIES INTO PAY HISTORY OF JOB APPLICANTS

2023 Minn. Laws, Chapter 52, Article 19, Section 56

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 363A.08, subd. 8

Effective January 1, 2024, except for employment covered by collective bargaining agreements. For employment covered by collective bargaining, effective on the date of implementation of the applicable collective bargaining agreement that is after January 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Prohibits an employer from inquiring, considering, or requiring disclosure of past salary history for the purpose of determining wages and benefits.

VII. RIGHTS OF DEAF OR HARD-OF-HEARING PERSONS

2023 Minn. Laws, Chapter 52, Article 19, Section 62

Omnibus Judiciary and Public Safety Bill

Amends Minn. Stat. § 363A.11, subd. 2

Effective August 1, 2024, for all places of public accommodation

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Makes it a discriminatory act in a place of public accommodation not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing individuals with closed-captioned television when television services are provided to other individuals.

VIII. CROWN ACT

(Creating a Respectful and Open World for Natural Hair Act)

2023 Minnesota Laws, Chapter 3

Adds Minn. Stat. § 363A.03, subd. 36a

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/3/>

Amends the Human Rights Act to prohibit discrimination based on a person's hair style or texture.

IMMIGRATION

I. DRIVER'S LICENSE FOR UNDOCUMENTED PERSONS

2023 Minn. Laws, Chapter 13

*Makes various additions and amendments to Chapter 171 and makes conforming amendments
Effective October 1, 2023*

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/13/>

Extends eligibility for a Minnesota driver's license or identification card to undocumented persons by providing that proof of citizenship or lawful presence is no longer required to obtain a license. Prohibits any marking or design indicating lawful presence. Establishes limits on data sharing.

II. COVERAGE OF UNDOCUMENTED PERSONS

2023 Minn. Laws, Chapter 70, Article 1, Section 38

Omnibus Health Finance and Policy Bill

Amends Minn. Stat. § 256L.04, subd. 10

Effective January 1, 2025

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Makes undocumented persons eligible for MNCare.

III. COVERAGE OF DACA CHILDHOOD ARRIVAL ENROLLEES

2023 Minn. Laws, Chapter 70, Article 1, Section 42

Omnibus Health Finance and Policy Bill

Effective July 1, 2023, and expires June 30, 2025

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Makes federally funded MA and MNCare available to Minnesotans who are Deferred Action for Childhood Arrival recipients considered lawfully present.

IV. NEW AMERICAN LEGAL, SOCIAL SERVICES, AND LONG-TERM CARE WORKFORCE GRANTS

2023 Minn. Laws, Chapter 61, Article 1, Section 60

Omnibus Human Services Finance and Policy Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Establishes a grant program in the DHS for legal or social services organizations that serve and support new Americans. Grants may be used by organizations to help a person to seek or maintain legal or citizenship status to legally obtain or retain employment in any field or industry; or (2) provide specialized services and supports to new Americans to enter the long-term care workforce. DHS must prioritize providing grants to organizations that serve populations in areas of the state where worker shortages are most acute or for whom existing legal services and social services during the legal process or while seeking qualified legal assistance are unavailable or insufficient. A total of \$14 million over the biennium was appropriated for this grant program.

V. OFFICE OF NEW AMERICANS

2023 Minn. Laws, Chapter 53, Article 15, Section 2

Omnibus Jobs, Economic Development, Labor, and Industry Bill

Adds Minn. Stat. § 116J.4231

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/53/>

Establishes an Office of New Americans in the Department of Employment and Economic Development to foster immigrant and refugee inclusion through an intentional process to improve economic mobility, enhance civic participation, and improve receiving communities' openness to immigrants and refugees.

VI. OFFICE OF ENTERPRISE TRANSLATIONS

2023 Minn. Laws, Chapter 62, Article 2, Section 72

Omnibus State Government Finance Bill

Adds Minn. Stat. § 16B.373

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/62/>

Creates an Office of Enterprise Translations in the Department of Administration. The office is charged with, in consultation with the state demographer: (1) providing translation services for written material for executive agencies; (2) creating and maintaining language-specific landing webpages in Spanish, Hmong, and Somali and other languages, with links to translated materials at state agency websites; and (3) serving as a resource to executive agencies in areas such as best practices and standards for the translation of written materials.

PUBLIC BENEFITS LAW

I. DRUG TESTING REFORM

2023 Minn. Laws, Chapter 70 and Chapter 63

Amends Minn. Stat. §§ 256D.024, subd. 1; 256J.26, subd. 1; 609B.425, subd. 2; and 609B.435, subd. 2
Various Effective Dates

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/>

A. MFIP, DWP, GA, MSA, RCA, and SNAP Drug Testing Policies

1. Repeals mandatory drug testing. Makes random county screening is optional.
2. Provides that subsequent convictions for felony-level drug offenses do not impact eligibility or benefits.
3. Prohibits sanctions or disqualifications for people who fail a random drug test.
4. Requires a local agency to provide information about substance use disorder treatment programs to a person who has failed an optional random drug screening.

Effective August 1, 2023

B. Changes Prompted by Cannabis Legalization

1. Provides that people with felony cannabis convictions will no longer be included in reports to DHS.
2. Provides that convictions related to cannabis, marijuana, or tetrahydrocannabinols will no longer included in list of substances that trigger random drug testing.
3. Provides that test results containing cannabis, marijuana, or tetrahydrocannabinols will no longer considered a positive test.

Effective July 1, 2023

II. INCOME EXCLUSION FOR “LIVED EXPERIENCE” ENGAGEMENT

2023 Minn. Laws, Chapter 70, Article 10, Sections 70 and 79

Amends Minn. Stat. §§ 256P.01 and 256P.02

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Clarifies that income received in exchange for providing lived experience insights and expertise is not counted as income or assets when determining public benefits eligibility. Applies to MFIP, DWP, RCA, GA, MSA, Housing Support, and CCAP.

III. NONRECURRING INCOME

2023 Minn. Laws, Chapter 70, Article 10, Section 79

Amends Minn. Stat. § 256P.06, subd. 3

Effective July 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Clarifies that nonrecurring unearned income is not counted when determining eligibility unless the income meets the definition of earned income. Applies to MFIP, DWP, RCA, GA, MSA, Housing Support, and CCAP.

IV. INCREASE TO GENERAL ASSISTANCE

2023 Minn. Laws, Chapter 70, Article 10, 18-19, 21, 47, 70, 74, 80, and 95-96

Amends Minn. Stat. § 256D.01 subd. 1a and other sections

Effective October 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Increases General Assistance cash from \$203/month to \$350/month, with an annual cost-of-living adjustments based on the Consumer Price Index from the prior year – the first increase to this standard since 1986.

V. INCREASED TIME FOR GENERAL ASSISTANCE AND HOUSING SUPPORT PARTICIPANTS TO APPLY FOR OTHER BENEFITS

2023 Minn. Laws, Chapter 70, Article 10, Section 21

Amends Minn. Stat. § 256D.06, subd. 5

Effective August 1, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Gives applicants for GA and Housing Support up to 90 days to apply for other public benefits for which they appear eligible.

VI. TRIBAL PER CAPITAL INCOME

2023 Minn. Laws, Chapter 70, Article 10, Section 79

Amends Minn. Stat. § 256P.06, subd. 3

Effective January 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Establishes that Tribal per capita payments are not counted as income or assets when determining or redetermining eligibility or benefits. Applies to MFIP, DWP, GA, MSA, Housing Support, and CCAP.

VII. INCREASED MSA REPRESENTATIVE PAYEE SPECIAL NEEDS STANDARD

2023 Minn. Laws, Chapter 70, Article 10, Section 22

Amends Minn. Stat. § 256D.44, subd. 5

Effective January 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Increases the special needs allowance for MSA recipients who pay for representative payee services to the maximum monthly amount allowed by the Social Security Administration.

VIII. MFIP SANCTION REFORM

2023 Minn. Laws, Chapter 70, Article 10, Sections 55-61

Amends several sections in 256J

Effective May 1, 2026

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Makes the following MFIP sanction policy reforms:

1. Applies sanction only to MFIP cash received.
2. Specifies that the sanction rate for noncompliance with employment services or orientation is a 5% reduction in cash received.
3. Requires a 25% reduction in cash received for a refusal to cooperate with child support.
4. Restores sanction amount when a parent meets the requirements by the 15th of a month.
5. Ends MFIP assistance after seven consecutive sanction occurrences but does not trigger a permanent disqualification. Once a parent comes into compliance, the sanction count is reset to zero.
6. Establishes same sanction policy for pre-60 months and post-60 months.
7. Eliminates the requirement of vendor payment for shelter due to a sanction.
8. Eliminates the requirement that parents to be “in compliance” in the 59th month to be eligible for a hardship extension; no longer requires “compliance” for 10 out of the past 12 months to be eligible for an extension.

IX. EXPANDED ELIGIBILITY FOR PEOPLE WITH U-VISAS

2023 Minn. Laws, Chapter 70, Article 10, Section 44

Amends Minn. Stat. § 256J.11, subd. 1

Effective March 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Expands eligibility for MFIP and RCA to people with U-Visas and codifies eligibility for persons with T-Visas.

X. RSDI/SSI INCOME DISREGARD

2023 Minn. Laws, Chapter 70, Article 10, Section 79

Amends Minn. Stat. § 256P.06, subd. 3

Effective September 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Establishes that RSDI income that is at or below the federal SSI level is not counted when determining or redetermining eligibility or benefits. Applies to MFIP, DWP, and CCAP.

XI. SIX-MONTH REPORTING AND PROSPECTIVE BUDGETING FOR MFIP and RCA

2023 Minn. Laws, Chapter 70, Article 10, Sections 4, 20, 23, 34- 37, 41-42, 45- 46, 48-49, 51- 52, 71, 77-79, 82-92, and 98

Effective March 1, 2025

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Ends monthly household reporting for MFIP and RCA on March 1, 2025. Establishes 6-month reporting and prospective budgeting.

XII. DIVERSIONARY WORK PROGRAM REPEALED

2023 Minn. Laws, Chapter 70, Article 10, Sections 1-3, 5-17, 38-40, 43, 53-54, 62-68, 93-94, and 97-98

Effective March 1, 2026

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Ends the mandatory Diversionary Work Program on March 1, 2026, and all eligible applicants will have access to MFIP without diversion or delay.

XIII. ANNUAL COLA ADDED TO MFIP HOUSING ASSISTANCE GRANT

2023 Minn. Laws, Chapter 70, Article 10, Section 50

Amends Minn. § 256J.35

Effective October 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Adds an annual, ongoing cost of living adjustment to the MFIP housing assistance grant (currently \$110/month) using the Consumer Price Index from the prior calendar year. Applies to MFIP and RCA.

XIV. PAID FAMILY AND MEDICAL LEAVE

2023 Minn. Laws, Chapter 59

Amends Minn. Stat. §§ 62A.01, subd. 1; 177.27, subd.4; 181.032; 256B.057, subd. 9; 256B.0659, subd.18; 256B.85, subds. 13 and 13a; 256J.95, subds. 3 and 11; 256P.01, subd.3; and 268.19, subd. 1

Adds Minnesota Statutes, Chapter 268B (Minn. Stat. §§ 268B.01 – 268B.29

Adds Minn. Stat. §§ 13.719, subd. 7; and 256J.561, subd. 4

Various Effective Dates

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/59/>

Creates a family and medical benefit insurance program (Paid Family and Medical Leave Program) to be administered by the Department of Employment and Economic Development. The program becomes operative on January 1, 2026. Employees will become eligible to take paid leave of between 12 and 20 weeks (depending on the event or events) after they have earned more than about \$3,500 in wages within the state over a period of a year. Benefits will be paid by the state and vary based on weekly pay. Both workers and employers will contribute.

XV. APPLICATIONS BY PHONE OR VIDEO CONFERENCE

2023 Minn. Laws, Chapter 70, Article 17, sections 48-49, 51-53, and 55-59

Effective July 21, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Clarifies that counties must inform applicants of the right to submit and counties must accept and appropriately “date” an application submitted by telephone or video conference.

XVI. HOUSING SUPPORT COUNTABLE INCOME

2023 Minn. Laws, Chapter 70, Article 10, Section 33

Amends Minn. Stat. § 256I.03, subd. 7

Effective October 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Allows Housing Support recipients with unearned income to pay 30% of their total income toward housing costs if they live in a community-based supportive housing setting.

XVII. HOUSING SUPPORT FOR PEOPLE LEAVING INCARCERATION

2023 Minn. Laws, Chapter 70, Article 11, section 3

Amends Minn. Stat. § 256I.04

Effective November 1, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/70/>

Establishes that a person with a disability who is homeless and exiting a correctional facility is eligible for Housing Support for up to three months. Disregards any income received during the transitional period.

TAX LAW

I. LOW-INCOME CREDITS

2023 Minn. Laws, Chapter 64 (various articles and sections)

Omnibus Tax Bill

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/64/>

A. CHILD TAX CREDIT

Article 1, Section 34

Adds Minn. Stat. § 290.0661

Effective for tax years beginning after December 31, 2022.

Establishes a Child Tax Credit of \$1750 per child for families eligible for the Minnesota Working Family Credit (WFC) and those whose incomes are insufficient to qualify for the WFC. The tax credit refundable, indexed to inflation, and available to Minnesotans filing with ITINs.

B. RENTER'S CREDIT

1. One-Time Increase

Article 4, Section 30

Provides for a one-time increase in the renter's credit of 20.572% percent on rent paid in 2022.

2. Permanent Change

Article 7, Section 9

Adds Minn. Stat. § 290.0693

Effective for taxable years beginning after December 31, 2023

Establishes the renter's credit as a refundable income tax credit. Requires the credit to be adjusted for inflation. Changes the date by which property owners or managers must furnish the rent certificate from March 31 to January 31.

C. WORKING FAMILY CREDIT

Article 1, Section 36

Amends Minn. Stat. § 290.0671

Effective for taxable years beginning after December 31, 2022

Allows filers with ITINs to qualify and increases the credit by: (1) \$925 for a taxpayer with one qualifying older child; (2) \$2,100 for a taxpayer with two qualifying older children; or (3) \$2,500 for a taxpayer with three or more qualifying older children.

II. INTEREST ON PROPERTY TAX DELINQUENCIES

Article 15, Sections 8 and 9

Amends Minn. Stat. §§ 279.03, subd. 1a and 282.261, subd. 2

A. Elimination of Minimum Interest Rate

Eliminates the minimum floor of 10% interest rate on property tax delinquencies, defaulting to the indexed rate established annually by the Department of Revenue (the prime rate).

Effective for property taxes, penalties, and costs determined to be delinquent on or after January 1, 2024

B. Power of County to Establish Lower Rate

Permits a county board, by resolution, to establish an interest rate lower than the Department of Revenue's rate.

Effective January 1, 2024

III. REVENUE RECAPTURE

Article 15, Section 4

Amends Minn. Stat. § 70A.03, subd. 2

Effective May 25, 2023

Eliminates the ability of a private nonprofit hospital that leases its building from the county or city in which it is located from utilizing Revenue Recapture to seize taxpayers' refunds to pay medical debts owed.

IV. SENIOR CITIZENS' PROPERTY TAX DEFERRAL PROGRAM

Article 3, Sections 26 - 29

Amends Minn. Stat. §§ 290B.03, 290B.04, and 290B.05

Effective for applications for deferral of taxes payable in 2024 and thereafter

Increases from \$60,000 to \$96,000 maximum household income allowed. Reduces from 15 years to 5 years the homestead ownership and occupancy requirement.

UNEMPLOYMENT INSURANCE LAW

TIME TO APPEAL

2023 Minn. Laws, Chapter 33

Amends Minn. Stat. § 268.07, subd. 3a and various conforming sections

Effective May 5, 2024

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/33/>

- Increases the time to appeal an unemployment insurance determination from 20 to 45 calendar days.

UTILITIES LAW

RIGHT TO APPEAL TO THE PUBLIC UTILITIES COMMISSION

2023 Minn. Laws, Chapter 60, Article 12, Sections 17 - 18

Omnibus Environment, Natural Resources, Climate, and Energy Finance and Policy Bill

Amends Minn. Stat. § 216B.17, subd. 1

Adds Minn. Stat. § 216B.172

Effective May 24, 2023

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/60/>

- Amends the Public Utilities Act to overcome a statutory barrier, enabling an individual residential utility consumer to appeal to the full Commission an adverse informal determination on a shutoff or other matter by PUC complaint handling staff. Provides that the electricity or gas must be continued or promptly restored during the pendency of an administrative or judicial procedure, provided that the complainant: (1) agrees to enter into a payment agreement; (2) posts the full disputed payment in escrow; (3) demonstrates receipt of public assistance or eligibility for legal aid services; or (4) demonstrates the complainant's household income is at or below 50 percent of the median income in Minnesota. Provides that the PUC's decision is final and thus ripe for judicial appeal.

YOUTH LAW

STATEWIDE OFFICE OF APPELLATE COUNSEL AND TRAINING

2023 Minn. Laws, Chapter 52, Article 3, Section 1

Omnibus Judiciary and Public Safety Bill

Adds Minn. Stat. § 260C.419

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

- Establishes a Statewide Office of Appellate Counsel and Training to, among other things, create and maintain a system for providing appellate representation to parents in juvenile protection matters, and provide training to parent attorneys.