

## EIGHTY-NINTH DAY

St. Paul, Minnesota, Tuesday, May 1, 2018

The Senate met at 10:30 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Gazelka imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David Fretham.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 4167 and 4385.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 30, 2018

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 4167:** A bill for an act relating to legacy; appropriating money from legacy funds; modifying requirements for certain recipients of legacy funds; modifying provisions for Capitol art displays; providing for women's suffrage commemoration; amending Minnesota Statutes 2016, sections 15B.32, as amended; 97A.056, subdivisions 3, 13; 129D.17, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 15B.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

**H.F. No. 4385:** A bill for an act relating to taxation; making changes to conform with certain federal tax law changes; adopting federal adjusted gross income as the starting point for calculating individual income tax; making policy and technical changes to various tax-related provisions including provisions related to the individual income tax, corporate franchise tax, estate tax, sales and use tax, gross revenues tax, gross receipts tax, property tax, partnership tax, tobacco tax, minerals tax, and other miscellaneous tax provisions; making changes to the property tax refund program; providing for registration and taxation of unmanned aircraft; modifying provisions related to local government aid and credits; modifying referendum dates; appropriating money; amending Minnesota Statutes 2016, sections 116J.8737, subdivisions 5, 12; 123A.455, subdivision 1; 126C.01, subdivision 3; 138.053; 162.145, subdivision 3; 174.03, subdivision 1b; 197.603, subdivision 2; 216B.36; 237.19; 270.12, subdivisions 2, 3; 270.41, subdivision 3; 270.96, subdivision 1; 270A.03, subdivision 7; 270B.08, subdivision 2; 270C.85, subdivision 2; 270C.89, subdivision 2; 270C.91; 272.02, subdivisions 27, 49, 81, by adding a subdivision; 272.025, subdivision 3; 273.032; 273.061, subdivision 9; 273.11, subdivision 12; 273.1115, subdivision 2; 273.112, subdivision 6; 273.113, subdivision 3; 273.119, subdivision 2; 273.1231, subdivisions 3, 4; 273.124, subdivisions 1, 3a, 8, 9, 14, 17, 21, by adding a subdivision; 273.1245, subdivision 2; 273.125, subdivision 3; 273.128, subdivision 1; 273.13, subdivision 35, by adding a subdivision; 273.136, subdivision 2; 273.1384, subdivision 3; 273.18; 274.14; 274.16; 275.025, subdivision 3, by adding subdivisions; 276A.01, subdivision 4; 282.01, subdivision 6; 287.21, subdivision 1; 289A.08, subdivisions 1, 6, 7; 289A.25, subdivision 1; 289A.31, subdivision 2; 289A.37, subdivision 6; 289A.38, subdivisions 7, 10; 289A.42; 289A.50, subdivision 1; 289A.60, subdivision 24; 290.01, subdivisions 6, 22, by adding subdivisions; 290.0131, subdivisions 1, 3, by adding subdivisions; 290.0132, subdivisions 1, 7, by adding subdivisions; 290.0133, subdivision 6, by adding a subdivision; 290.0134, by adding subdivisions; 290.0136; 290.05, subdivision 3; 290.06, subdivisions 1, 2c, 2d, by adding a subdivision; 290.067, subdivision 2a; 290.0671, subdivision 7; 290.0672, subdivision 2; 290.0681, subdivisions 3, 4; 290.0685, subdivision 1, by adding a subdivision; 290.0802, subdivisions 2, 3; 290.091, subdivision 3; 290.0921, subdivision 8; 290.0922, subdivision 1; 290.095, subdivision 4; 290.21, by adding a subdivision; 290.34, by adding a subdivision; 290.92, subdivisions 1, 28; 290A.03, subdivisions 4, 12; 290A.04, subdivisions 2h, 4, by adding a subdivision; 290A.05; 290A.08; 290A.09; 290B.04, subdivision 1; 290B.09, subdivision 1; 291.03, subdivisions 8, 10; 295.50, subdivisions 4, 9b, by adding subdivisions; 297A.61, subdivision 18; 297A.67, subdivision 12, by adding subdivisions; 297A.68, subdivisions 17, 25, 29, 44; 297A.70, subdivisions 3, 7, 16, by adding subdivisions;

297A.71, subdivisions 22, 45, by adding subdivisions; 297A.77, by adding a subdivision; 297A.84; 297A.85; 297A.993, by adding a subdivision; 297B.01, subdivision 14; 297B.03; 297F.01, subdivisions 19, 23, by adding a subdivision; 297F.17, subdivision 6; 297G.16, subdivision 7; 298.225, subdivision 1; 298.28, subdivisions 3, 9a; 360.013, by adding subdivisions; 360.55, by adding a subdivision; 360.62; 412.221, subdivision 2; 426.19, subdivision 2; 447.045, subdivisions 2, 3, 4, 6, 7; 452.11; 455.24; 455.29; 469.171, subdivision 4; 469.177, subdivision 1; 469.1812, subdivision 1, by adding subdivisions; 469.190, subdivisions 1, 5; 469.316, subdivision 1; 469.317; 469.319, subdivision 4; 471.57, subdivision 3; 471.571, subdivision 3; 471.572, subdivision 4; 473F.02, subdivision 4; 473F.05; 473H.05, subdivision 1; 473H.08, subdivisions 1, 4, by adding a subdivision; 474A.02, subdivision 22b; 477A.013, subdivision 13; 477A.016; Minnesota Statutes 2017 Supplement, sections 126C.17, subdivision 9; 205.10, subdivision 3a; 205A.05, subdivision 1a; 270A.03, subdivision 5; 270C.445, subdivision 6; 270C.89, subdivision 1; 271.21, subdivision 2; 272.115, subdivision 1; 273.0755; 273.13, subdivisions 22, 23, 25, 34; 273.1384, subdivision 2; 273.1387, subdivision 3; 274.01, subdivision 1; 275.025, subdivision 1; 276.04, subdivision 3; 278.01, subdivision 1; 289A.02, subdivision 7; 289A.12, subdivision 14; 289A.31, subdivision 1; 289A.35; 289A.37, subdivision 2; 290.01, subdivisions 4a, 19, 31; 290.0131, subdivision 10; 290.0132, subdivisions 21, 26; 290.0133, subdivision 12; 290.0137; 290.05, subdivision 1; 290.067, subdivisions 1, 2b; 290.0671, subdivision 1; 290.0672, subdivision 1; 290.0681, subdivisions 1, 2; 290.0684, subdivisions 1, 2; 290.0686, subdivision 1; 290.091, subdivision 2; 290.17, subdivisions 2, 4; 290.31, subdivision 1; 290A.03, subdivisions 3, 8, 13, 15; 291.005, subdivision 1; 291.03, subdivisions 9, 11; 297A.61, subdivision 3; 297A.67, subdivisions 6, 34; 297A.70, subdivisions 4, 20; 297A.75, subdivisions 1, 2, 3; 297B.01, subdivision 16; 297E.02, subdivision 3; 298.227; 462D.03, subdivision 2; 462D.06, subdivisions 1, 2; 475.59, subdivision 2; 477A.015; 477A.03, subdivision 2a; Laws 1986, chapter 379, sections 1, subdivision 1; 2, subdivision 1; Laws 2008, chapter 366, article 5, sections 26, as amended; 33, as amended; Laws 2011, First Special Session chapter 7, article 4, section 10, subdivision 3; Laws 2017, First Special Session chapter 1, article 3, section 32; article 4, section 31; article 8, section 3; article 10, section 4; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; 117; 222; 289A; 290; 416; 459; 469; repealing Minnesota Statutes 2016, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 273.1315; 275.29; 289A.38, subdivisions 7, 8, 9; 290.01, subdivision 29a; 290.0131, subdivisions 7, 11, 12, 13; 290.0132, subdivisions 8, 19, 20; 290.0133, subdivisions 13, 14; 290.06, subdivision 23; 290.0921, subdivisions 1, 2, 3a, 4, 6; 290.10, subdivision 2; 477A.085; Minnesota Statutes 2017 Supplement, sections 327C.01, subdivision 13; 327C.16; Minnesota Rules, part 4503.1400, subpart 4.

Referred to the Committee on Taxes.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

### Senators Marty and Eken introduced--

**S.F. No. 4054:** A bill for an act relating to state government; precluding per diem payments to legislature; amending Minnesota Statutes 2016, section 3.099, subdivision 1, by adding a subdivision.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senator Eichorn introduced--**

**S.F. No. 4055:** A bill for an act relating to taxation; property; modifying the content of property tax statements for properties subject to the Iron Range fiscal disparities tax; amending Minnesota Statutes 2016, sections 275.065, by adding a subdivision; 276.04, by adding a subdivision.

Referred to the Committee on Taxes.

**MOTIONS AND RESOLUTIONS**

Senator Kiffmeyer moved that the name of Senator Westrom be added as a co-author to S.F. No. 836. The motion prevailed.

Senator Abeler moved that the name of Senator Wiger be added as a co-author to S.F. No. 2254. The motion prevailed.

Senator Ingebrigtsen moved that the name of Senator Utke be added as a co-author to S.F. No. 2453. The motion prevailed.

Senator Hawj moved that the name of Senator Marty be added as a co-author to S.F. No. 2631. The motion prevailed.

Senator Eaton moved that the name of Senator Clausen be added as a co-author to S.F. No. 2912. The motion prevailed.

Senator Latz moved that the name of Senator Marty be added as a co-author to S.F. No. 2959. The motion prevailed.

Senator Jensen moved that his name be stricken as a co-author to S.F. No. 3279. The motion prevailed.

**Senator Nelson introduced --**

**Senate Resolution No. 241:** A Senate resolution congratulating the Granada-Huntley-East Chain School District on its 100 percent high school graduation rate.

Referred to the Committee on Rules and Administration.

**Senator Abeler introduced --**

**Senate Resolution No. 242:** A Senate resolution recognizing the Anoka Ramsey Athletic Association on over 35 years of providing sports and recreation opportunities for youth.

Referred to the Committee on Rules and Administration.

**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 3418, 3225, 1975, S.F. Nos. 2921, 3086, H.F. No. 3210, S.F. Nos. 2675, 2849, 3066, 2836, 3480, 2865, 2762, 3004, and 3262.

### SPECIAL ORDER

**H.F. No. 3418:** A bill for an act relating to commerce; changing requirements for motor vehicle service contracts; amending Minnesota Statutes 2016, section 59B.02, subdivision 11, by adding a subdivision.

H.F. No. 3418 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jasinski	Marty	Simonson
Anderson, B.	Eichorn	Jensen	Mathews	Sparks
Anderson, P.	Eken	Johnson	Miller	Tomassoni
Bakk	Fischbach	Kent	Newman	Torres Ray
Benson	Franzen	Kiffmeyer	Newton	Utke
Bigham	Gazelka	Klein	Osmek	Weber
Carlson	Goggin	Koran	Pappas	Westrom
Chamberlain	Hall	Laine	Pratt	Wiger
Clausen	Hawj	Lang	Relph	Wiklund
Cohen	Hoffman	Latz	Rest	
Dahms	Housley	Limmer	Rosen	
Draheim	Ingebrigtsen	Little	Ruud	
Dziedzic	Isaacson	Lourey	Senjem	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3225:** A bill for an act relating to commerce; regulating wireless communications device dealer payments for used devices; amending Minnesota Statutes 2016, section 325E.319, subdivision 4.

H.F. No. 3225 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Clausen	Fischbach	Housley	Koran
Anderson, B.	Cohen	Franzen	Ingebrigtsen	Laine
Anderson, P.	Dahms	Frentz	Isaacson	Lang
Bakk	Dibble	Gazelka	Jasinski	Latz
Benson	Draheim	Goggin	Jensen	Limmer
Bigham	Dziedzic	Hall	Johnson	Little
Carlson	Eaton	Hawj	Kent	Lourey
Chamberlain	Eichorn	Hayden	Kiffmeyer	Marty
Champion	Eken	Hoffman	Klein	Mathews

Miller	Pappas	Rosen	Sparks	Weber
Newman	Pratt	Ruud	Tomassoni	Westrom
Newton	Relph	Senjem	Torres Ray	Wiger
Osmek	Rest	Simonson	Utke	Wicklund

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1975:** A bill for an act relating to municipal contracting; narrowing a bidding exception for certain water tank service contracts; amending Minnesota Statutes 2016, section 471.345, subdivision 5b.

H.F. No. 1975 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Ingebrigtsen	Lang	Pratt
Anderson, B.	Eichorn	Jasinski	Limmer	Relph
Anderson, P.	Fischbach	Jensen	Mathews	Rosen
Benson	Gazelka	Johnson	Miller	Ruud
Carlson	Goggin	Kiffmeyer	Nelson	Senjem
Chamberlain	Hall	Koran	Newman	Utke
Dahms	Housley	Laine	Osmek	Weber

Those who voted in the negative were:

Bakk	Eaton	Isaacson	Newton	Westrom
Bigham	Eken	Kent	Pappas	Wiger
Champion	Franzen	Klein	Rest	Wicklund
Clausen	Frentz	Latz	Simonson	
Cohen	Hawj	Little	Sparks	
Dibble	Hayden	Lourey	Tomassoni	
Dziedzic	Hoffman	Marty	Torres Ray	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2921:** A bill for an act relating to local government; modifying matching funds requirement for local recycling programs; amending Minnesota Statutes 2016, section 473.8441, subdivision 4.

S.F. No. 2921 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Anderson, B.	Anderson, P.	Bakk	Benson
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Bigham	Eken	Jasinski	Marty	Ruud
Carlson	Fischbach	Jensen	Mathews	Senjem
Chamberlain	Franzen	Johnson	Miller	Simonson
Champion	Frentz	Kent	Nelson	Sparks
Clausen	Gazelka	Kiffmeyer	Newman	Tomassoni
Cohen	Goggin	Klein	Newton	Torres Ray
Dahms	Hall	Laine	Osmek	Utke
Dibble	Hawj	Lang	Pappas	Weber
Draheim	Hoffman	Latz	Pratt	Westrom
Dziedzic	Housley	Limmer	Relph	Wiger
Eaton	Ingebrigtsen	Little	Rest	Wiklund
Eichorn	Isaacson	Lourey	Rosen	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3086:** A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, teachers, special education, facilities and technology, nutrition, early childhood and family support, and self-sufficiency and lifelong learning, and state agencies; amending Minnesota Statutes 2016, sections 13.321, by adding a subdivision; 120A.20, subdivision 2; 120A.22, subdivisions 7, 12; 120B.36, subdivision 2; 121A.22, subdivision 1, by adding a subdivision; 121A.39; 121A.41, by adding subdivisions; 121A.42; 121A.45; 121A.46, subdivisions 2, 3, by adding subdivisions; 121A.47, subdivision 2; 121A.53, subdivision 1; 121A.55; 121A.61; 121A.67, by adding a subdivision; 123B.14, subdivision 7; 123B.41, subdivision 5; 123B.42, subdivision 3; 124D.111; 124D.78, subdivision 2; 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45, subdivisions 11, 16; 128C.03; 128C.20; 299F.30, subdivisions 1, 2; 626.556, subdivision 10a; Minnesota Statutes 2017 Supplement, sections 120B.021, subdivision 1; 120B.12, subdivision 2; 120B.125; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.07, by adding a subdivision; 122A.09, by adding a subdivision; 122A.187, subdivision 5; 122A.20, subdivision 1; 122A.40, subdivision 13; 122A.41, subdivision 6; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.165, subdivisions 2, 3, 4; 124D.549; 124D.99, subdivisions 3, 5; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03, subdivision 7a; 626.556, subdivisions 2, 3, 10e; Laws 2017, First Special Session chapter 5, article 2, sections 56; 57, subdivision 23; proposing coding for new law in Minnesota Statutes, chapters 120B; 125B; repealing Minnesota Statutes 2016, sections 120B.35, subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9; 128C.02, subdivision 6.

Senator Pratt moved to amend S.F. No. 3086 as follows:

Page 19, after line 28, insert:

"Sec. 12. **[121A.35] THREAT ASSESSMENT POLICY.**

A school board and a charter school must adopt a threat assessment policy that establishes a process for the assessment of and intervention with students whose behavior may pose a threat to the safety of school staff or students. The policy must be consistent with the Minnesota school safety center's recommendations. The policy must include procedures for parent notification and student referrals as appropriate. Nothing in this section precludes school personnel from acting immediately to address an imminent threat."

Page 53, after line 18, insert:

"Sec. 9. Laws 2017, First Special Session chapter 5, article 3, section 3, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 10. Laws 2017, First Special Session chapter 5, article 3, section 4, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 11. Laws 2017, First Special Session chapter 5, article 3, section 5, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 12. Laws 2017, First Special Session chapter 5, article 3, section 6, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 13. Laws 2017, First Special Session chapter 5, article 3, section 7, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 14. Laws 2017, First Special Session chapter 5, article 3, section 8, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 15. Laws 2017, First Special Session chapter 5, article 3, section 9, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 16. Laws 2017, First Special Session chapter 5, article 3, section 10, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 17. Laws 2017, First Special Session chapter 5, article 3, section 11, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 18. Laws 2017, First Special Session chapter 5, article 3, section 12, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.



Sec. 19. Laws 2017, First Special Session chapter 5, article 3, section 13, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 20. Laws 2017, First Special Session chapter 5, article 3, section 14, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 21. Laws 2017, First Special Session chapter 5, article 3, section 15, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 22. Laws 2017, First Special Session chapter 5, article 3, section 16, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

Sec. 23. Laws 2017, First Special Session chapter 5, article 3, section 36, is amended to read:

Sec. 36. **REPEALER.**

(a) Minnesota Statutes 2016, sections 122A.14, subdivision 5; and 122A.162, are repealed effective January 1, 2018.

(b) Minnesota Statutes 2016, sections 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a, 6, 7, and 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1 and 2; 122A.245; and 122A.25, are repealed effective ~~July~~ September 1, 2018."

Page 56, after line 16, insert:

"Sec. 2. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 3, is amended to read:

Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing schedule for every building serving prekindergarten through grade 12 students. The schedule must require that each building be tested at least once every five years. A school district must begin testing school buildings by July 1, 2018, and complete testing of all buildings that serve students within five years.

(b) A school district, that finds the presence of lead at 20 parts per billion or more in a water source that provides water for consumption, must immediately shut off the water source or make it unavailable until remediated.

Sec. 3. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 5, is amended to read:

Subd. 5. **Reporting.** A school district that has tested its buildings for the presence of lead shall make the results of the testing available to the public for review and must notify parents of the

availability of the information. If a test conducted under subdivision 3, paragraph (a), reveals the presence of lead at 20 parts per billion or more, the school district must, within 30 days of receiving the test result, either:

- (1) remediate the presence of lead to less than 20 parts per billion, as verified by a retest; or
- (2) directly notify parents of the test result.

Sec. 4. Minnesota Statutes 2017 Supplement, section 121A.335, is amended by adding a subdivision to read:

Subd. 6. **Federal law.** Nothing in this section relieves the commissioners of health and education, a school district, or charter school of any federal obligation relating to lead in water.

Sec. 5. Minnesota Statutes 2017 Supplement, section 124E.03, subdivision 2, is amended to read:

Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(d) A charter school is a district for the purposes of tort liability under chapter 466.

(e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.

(g) A charter school must comply with continuing truant notification under section 260A.03.

(h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

(i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world's best workforce.

(j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.

(k) A charter school must comply with lead in school drinking water requirements under section 121A.335.

(l) A charter school must adopt a threat assessment policy consistent with section 121A.35."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kent moved to amend S.F. No. 3086 as follows:

Page 14, delete section 7

Page 17, delete section 8

Page 18, delete section 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Senator Kent imposed a call of the Senate for the balance of the proceedings on S.F. No. 3086. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Kent amendment.

The roll was called, and there were yeas 35 and nays 32, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hayden	Lang	Rest
Bigham	Dziedzic	Hoffman	Latz	Simonson
Carlson	Eaton	Isaacson	Little	Sparks
Champion	Eken	Jasinski	Lourey	Tomassoni
Clausen	Franzen	Kent	Marty	Torres Ray
Cohen	Frentz	Klein	Newton	Wiger
Cwodzinski	Hawj	Laine	Pappas	Wiklund

Those who voted in the negative were:

Abeler	Eichorn	Jensen	Nelson	Senjem
Anderson, B.	Fischbach	Johnson	Newman	Utke
Anderson, P.	Gazelka	Kiffmeyer	Osmek	Weber
Benson	Goggin	Koran	Pratt	Westrom
Chamberlain	Hall	Limmer	Relph	
Dahms	Housley	Mathews	Rosen	
Draheim	Ingebrigtsen	Miller	Ruud	

The motion prevailed. So the amendment was adopted.

Senator Anderson, P. moved to amend S.F. No. 3086 as follows:

Page 3, after line 28, insert:

"Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.09, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an accredited opportunities industrialization center accredited by the ~~North Central Association of Colleges and Schools~~ Council on Occupational Education or Accreditation Commission of Career Schools and Colleges, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

(b) "Course" means a course or program.

(c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under section 124D.091.

**EFFECTIVE DATE.** This section is effective June 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hall moved to amend S.F. No. 3086 as follows:

Page 18, after line 19, insert:

"Sec. 10. **[121A.12] NATIONAL MOTTO.**

(a) To the extent funds or in-kind contributions are available under paragraph (b), a school board may prominently display in a conspicuous place in each school an easily readable durable poster, framed copy, or mounted plaque of the national motto of the United States, "In God We Trust."

(b) A school board may accept nonpublic funds or in-kind contributions to implement this section."

Page 29, after line 34, insert:

"Sec. 30. Minnesota Statutes 2017 Supplement, section 124E.03, subdivision 2, is amended to read:

Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(d) A charter school is a district for the purposes of tort liability under chapter 466.

(e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.

(g) A charter school must comply with continuing truant notification under section 260A.03.

(h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

(i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world's best workforce.

(j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.

(k) A charter school must comply with the national motto requirement under section 121A.12."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Dibble moved to amend the Hall amendment to S.F. No. 3086 as follows:

Page 1, line 3, before "NATIONAL" insert "ADAPTED"

Page 1, line 6, before "national" insert "adapted"

Page 1, line 7, delete "God" and insert "Yahweh"

Page 2, line 6, before "national" insert "adapted"

The motion did not prevail. So the amendment to the amendment was not adopted.

The question was taken on the adoption of the Hall amendment.

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jasinski	Miller	Senjem
Anderson, B.	Fischbach	Jensen	Nelson	Sparks
Anderson, P.	Gazelka	Johnson	Newman	Tomassoni
Benson	Goggin	Kiffmeyer	Osmek	Utke
Chamberlain	Hall	Koran	Pratt	Weber
Dahms	Hoffman	Lang	Relph	Westrom
Draheim	Housley	Limmer	Rosen	
Eichorn	Ingebrigtsen	Mathews	Ruud	

Those who voted in the negative were:

Bakk	Cwodzinski	Hawj	Latz	Rest
Bigham	Dibble	Hayden	Little	Simonson
Carlson	Dziedzic	Isaacson	Lourey	Torres Ray
Champion	Eaton	Kent	Marty	Wiger
Clausen	Franzen	Klein	Newton	Wiklund
Cohen	Frentz	Laine	Pappas	

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend S.F. No. 3086 as follows:

Page 61, after line 2, insert:

"Sec. 3. **[237.122] PERSONAL INFORMATION; PROHIBITION.**

A telecommunications or Internet service provider that has entered into a franchise agreement, right-of-way agreement, or other contract with the state of Minnesota or a political subdivision, or that uses facilities that are subject to such agreements even if it is not a party to the agreement, is prohibited from collecting personal information from a customer resulting from the customer's use of the telecommunications or Internet service provider without express written approval from the customer. A telecommunication or Internet service provider is prohibited from refusing to provide its services to a customer on the grounds that the customer has not approved collection of the customer's personal information.

**EFFECTIVE DATE.** This section is effective July 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Pratt questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Latz appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Abeler	Benson	Draheim	Gazelka	Housley
Anderson, B.	Chamberlain	Eichorn	Goggin	Ingebrigtsen
Anderson, P.	Dahms	Fischbach	Hall	Jasinski

Jensen  
Johnson  
Kiffmeyer  
Koran

Lang  
Limmer  
Mathews  
Miller

Nelson  
Newman  
Osmek  
Pratt

Rolph  
Rosen  
Ruud  
Senjem

Utke  
Weber  
Westrom

Those who voted in the negative were:

Bakk  
Bigham  
Carlson  
Champion  
Clausen  
Cohen  
Cwodzinski

Dibble  
Dziedzic  
Eaton  
Eken  
Franzen  
Frentz  
Hawj

Hayden  
Hoffman  
Isaacson  
Kent  
Klein  
Laine  
Latz

Little  
Lourey  
Marty  
Newton  
Pappas  
Rest  
Sparks

Tomassoni  
Torres Ray  
Wiger  
Wiklund

So the decision of the President was sustained.

Senator Clausen moved to amend S.F. No. 3086 as follows:

Page 11, after line 8, insert:

"Sec. 6. **[120B.219] CHILD ABUSE AWARENESS POSTERS.**

(a) The commissioner may, in consultation with local, state, and federal agencies and nonprofit organizations, create a poster that notifies children of the appropriate number to call to report child abuse or neglect. The poster shall:

(1) include a note that directs a child to dial 911 in case of emergency;

(2) include a spot to insert the phone number for the county's child protection services;

(3) be no smaller than 8-1/2 inches by 11 inches; and

(4) be produced in as many languages as practicable other than English that are spoken in the state as determined by the commissioner.

(b) If created, the commissioner shall make all versions of the poster available to the public on the department's Web site.

(c) If created, a school district, charter school, and nonpublic school must post the commissioner-created poster or a district-created poster that meets the requirements in paragraph (a) in an area of the school where students frequently congregate. The district or school must post versions of the poster in languages spoken by a significant portion of the student body."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Pratt moved to amend the Clausen amendment to S.F. No. 3086 as follows:

Page 1, lines 14 and 17, delete "must" and insert "may"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Clausen amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Wiger moved to amend S.F. No. 3086 as follows:

Page 38, after line 21, insert:

"Sec. 33. Laws 2017, First Special Session chapter 5, article 2, section 52, subdivision 2, is amended to read:

Subd. 2. **Exemptions from laws and rules.** (a) Notwithstanding any other law to the contrary, an innovation zone partner with an approved plan is exempt from each of the following state education laws and rules specifically identified in its plan:

(1) any law or rule from which a district-created, site-governed school under Minnesota Statutes, section 123B.045, is exempt;

(2) any statute or rule from which the commissioner has exempted another district or charter school, as identified in the list published on the Department of Education's Web site under subdivision 4, paragraph (b);

(3) online learning program approval under Minnesota Statutes, section 124D.095, subdivision 7, if the school district or charter school offers a course or program online combined with direct access to a teacher for a portion of that course or program;

(4) restrictions on extended time revenue under Minnesota Statutes, section 126C.10, subdivision 2a, for a student who meets the criteria of Minnesota Statutes, section 124D.68, subdivision 2; and

(5) any required hours of instruction in any class or subject area for a student who is meeting all competencies consistent with the graduation standards described in the innovation zone plan.

(b) The exemptions under this subdivision must not be construed as exempting an innovation zone partner from the Minnesota Comprehensive Assessments, except that the commissioner may authorize an innovation zone partner to substitute the high school Minnesota Comprehensive Assessments required for graduation with a nationally normed college entrance exam that is (1) aligned with the state academic standards and (2) includes career and college readiness benchmarks."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3086 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 25, as follows:

Those who voted in the affirmative were:



Abeler	Eichorn	Jasinski	Miller	Senjem
Anderson, B.	Eken	Jensen	Nelson	Tomassoni
Anderson, P.	Fischbach	Johnson	Newman	Utke
Benson	Gazelka	Kent	Osmek	Weber
Bigham	Goggin	Kiffmeyer	Pappas	Westrom
Chamberlain	Hall	Koran	Pratt	Wiger
Clausen	Housley	Lang	Relph	
Dahms	Ingebrigtsen	Limmer	Rosen	
Draheim	Isaacson	Mathews	Ruud	

Those who voted in the negative were:

Bakk	Dibble	Hawj	Latz	Rest
Carlson	Dziedzic	Hayden	Little	Simonson
Champion	Eaton	Hoffman	Lourey	Sparks
Cohen	Franzen	Klein	Marty	Torres Ray
Cwodzinski	Frentz	Laine	Newton	Wiklund

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3210:** A bill for an act relating to local government; modifying county authorization for storm and sanitary sewer systems; amending Minnesota Statutes 2016, section 444.075, subdivision 1a.

H.F. No. 3210 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2675:** A bill for an act relating to health; removing the date restriction for the commissioner of health to use all-payer claims data to analyze health care costs, quality, utilization, and illness burdens; amending Minnesota Statutes 2016, section 62U.04, subdivision 11.

S.F. No. 2675 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2849:** A bill for an act relating to health; requiring physicians to allow viewing of ultrasound imaging prior to an abortion; amending Minnesota Statutes 2016, section 145.4242.

Senator Klein moved to amend S.F. No. 2849 as follows:

Page 3, after line 23, insert:

"(e) Nothing in this section shall be construed to require a licensed or registered health care provider, or person operating under the authority of the provider, to provide a patient with:

(1) information that is not medically accurate and appropriate for the patient in the health care provider's reasonable professional judgment; or

(2) a health care service in a manner that is not evidence-based and appropriate for the patient in the health care provider's reasonable professional judgment.

(f) Nothing in this section shall be construed to prohibit a licensed or registered health care provider, or a person operating under the authority of the provider, from providing a patient with:

(1) information that is medically accurate and appropriate for the patient in the health care provider's reasonable professional judgment; or

(2) a health care service in a manner that is evidence-based and appropriate for the patient in the health care provider's reasonable professional judgment."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 35, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Hoffman	Lourey	Tomassoni
Bigham	Dziedzic	Isaacson	Marty	Torres Ray
Carlson	Eaton	Kent	Newton	Wiger
Champion	Franzen	Klein	Pappas	Wiklund
Clausen	Frentz	Laine	Rest	
Cohen	Hawj	Latz	Simonson	
Cwodzinski	Hayden	Little	Sparks	

Those who voted in the negative were:

Abeler	Eichorn	Ingebrigtsen	Limmer	Relph
Anderson, B.	Eken	Jasinski	Mathews	Rosen
Anderson, P.	Fischbach	Jensen	Miller	Ruud
Benson	Gazelka	Johnson	Nelson	Senjem
Chamberlain	Goggin	Kiffmeyer	Newman	Utke
Dahms	Hall	Koran	Osmek	Weber
Draheim	Housley	Lang	Pratt	Westrom

The motion did not prevail. So the amendment was not adopted.

S.F. No. 2849 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 30, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jasinski	Miller	Senjem
Anderson, B.	Fischbach	Jensen	Nelson	Sparks
Anderson, P.	Gazelka	Johnson	Newman	Utke
Benson	Goggin	Kiffmeyer	Osmek	Weber
Chamberlain	Hall	Koran	Pratt	Westrom
Dahms	Hoffman	Lang	Relph	
Draheim	Housley	Limmer	Rosen	
Eichorn	Ingebrigtsen	Mathews	Ruud	

Those who voted in the negative were:

Bakk	Cwodzinski	Hawj	Latz	Rest
Bigham	Dibble	Hayden	Little	Simonson
Carlson	Dziedzic	Isaacson	Lourey	Tomassoni
Champion	Eaton	Kent	Marty	Torres Ray
Clausen	Franzen	Klein	Newton	Wiger
Cohen	Frentz	Laine	Pappas	Wiklund

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3066:** A bill for an act relating to human services; modifying provisions governing mental health providers; amending Minnesota Statutes 2016, sections 245.462, subdivision 4; 245.4871, subdivision 4; 256B.0622, subdivision 7a; 256B.0623, subdivision 5; 256B.0625, by adding a subdivision; 256B.0944, subdivision 7; 256B.0946, subdivision 1a; Minnesota Statutes

2017 Supplement, sections 245.462, subdivision 17; 245.4871, subdivision 26; 256B.0943, subdivision 1.

Senator Rosen moved to amend S.F. No. 3066 as follows:

Page 6, line 26, before "This" insert "Notwithstanding the licensing requirements established by a health-related licensing board, as defined in section 214.01, subdivision 2,"

Page 15, line 23, delete the comma and insert "; is a registered nurse;"

The motion prevailed. So the amendment was adopted.

S.F. No. 3066 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Wiger
Clausen	Goggin	Koran	Pappas	Wicklund
Cohen	Hall	Laine	Pratt	
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2836:** A bill for an act relating to health care; prohibiting a health plan company from contractually preventing a pharmacist from informing a patient of a price differential; amending Minnesota Statutes 2016, sections 151.214; 151.71, by adding a subdivision.

S.F. No. 2836 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Cohen	Dziedzic	Franzen
Anderson, B.	Carlson	Cwodzinski	Eaton	Frentz
Anderson, P.	Chamberlain	Dahms	Eichorn	Gazelka
Bakk	Champion	Dibble	Eken	Goggin
Benson	Clausen	Draheim	Fischbach	Hall

Hawj	Kent	Lourey	Pratt	Torres Ray
Hayden	Kiffmeyer	Marty	Relph	Utke
Hoffman	Klein	Mathews	Rest	Weber
Housley	Koran	Miller	Rosen	Westrom
Ingebrigtsen	Laine	Nelson	Ruud	Wiger
Isaacson	Lang	Newman	Senjem	Wiklund
Jasinski	Latz	Newton	Simonson	
Jensen	Limmer	Osmek	Sparks	
Johnson	Little	Pappas	Tomassoni	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3480:** A bill for an act relating to health care; adding provisions to the price disclosure requirements for providers and health plan companies; amending Minnesota Statutes 2016, section 62J.81; proposing coding for new law in Minnesota Statutes, chapter 62J.

Senator Jensen moved to amend S.F. No. 3480 as follows:

Page 3, after line 20, insert:

"(e) No contract between a health plan company and a provider shall prohibit a provider from disclosing the pricing information required under this section."

The motion prevailed. So the amendment was adopted.

S.F. No. 3480 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 2, as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hoffman	Latz	Rest
Anderson, B.	Draheim	Housley	Limmer	Rosen
Anderson, P.	Dziedzic	Ingebrigtsen	Little	Ruud
Bakk	Eaton	Isaacson	Lourey	Senjem
Benson	Eichorn	Jasinski	Marty	Simonson
Bigham	Eken	Jensen	Mathews	Sparks
Carlson	Fischbach	Johnson	Miller	Tomassoni
Chamberlain	Franzen	Kent	Nelson	Torres Ray
Champion	Frentz	Kiffmeyer	Newman	Utke
Clausen	Gazelka	Klein	Newton	Weber
Cohen	Goggin	Koran	Pappas	Westrom
Cwodzinski	Hall	Laine	Pratt	Wiger
Dahms	Hawj	Lang	Relph	Wiklund

Those who voted in the negative were:

Hayden	Osmek
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So the bill, as amended, was passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2865:** A bill for an act relating to health occupations; eliminating the term limits for Physician Assistant Advisory Council members; amending Minnesota Statutes 2016, section 147A.27, subdivision 1.

S.F. No. 2865 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2762:** A bill for an act relating to human services; modifying the construction project rate for certain nursing facilities; amending Minnesota Statutes 2016, section 256B.434, by adding a subdivision.

Senator Cohen moved to amend S.F. No. 2762 as follows:

Page 1, line 16, delete "adjust" and insert "increase"

Page 1, line 19, delete "11" and insert "15"

Page 1, line 20, delete "reduce the fiscal impact to" and insert "pay"

Page 1, line 21, delete "budget" and insert "cost" and delete "increases allowed" and insert "property rate increase"

The motion prevailed. So the amendment was adopted.

S.F. No. 2762 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3004:** A bill for an act relating to state government; veterans; directing secretary of state to collect veteran status data from applicants for appointments to state agencies, boards, councils, commissions, and task forces; amending Minnesota Statutes 2016, sections 15.0597, subdivisions 2, 5, 7; 15.0599, subdivision 4.

S.F. No. 3004 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwodzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 3262:** A bill for an act relating to local government; authorizing designation of Purple Heart City or a Purple Heart County; proposing coding for new law in Minnesota Statutes, chapter 197.

S.F. No. 3262 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Little	Ruud
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Senjem
Anderson, P.	Eaton	Isaacson	Marty	Simonson
Bakk	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Bigham	Fischbach	Johnson	Nelson	Torres Ray
Carlson	Franzen	Kent	Newman	Utke
Chamberlain	Frentz	Kiffmeyer	Newton	Weber
Champion	Gazelka	Klein	Osmek	Westrom
Clausen	Goggin	Koran	Pappas	Wiger
Cohen	Hall	Laine	Pratt	Wiklund
Cwudzinski	Hawj	Lang	Relph	
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

**REPORTS OF COMMITTEES**

Senator Gazelka moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Rosen from the Committee on Finance, to which was re-referred**

**S.F. No. 2991:** A bill for an act relating to commerce; regulating real estate appraisals; creating an advisory board; prescribing its duties; amending Minnesota Statutes 2016, section 13D.08, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 82B.

Reports the same back with the recommendation that the bill do pass. Report adopted.



**Senator Rosen from the Committee on Finance, to which was re-referred**

**S.F. No. 2897:** A bill for an act relating to health insurance; establishing a step therapy protocol and override for prescription drug coverage; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Rosen from the Committee on Finance, to which was re-referred**

**S.F. No. 730:** A bill for an act relating to health; establishing an opiate stewardship program; establishing an opiate manufacturer registration fee to fund the operation of the prescription monitoring program; authorizing the board of pharmacy to impose a user fee on prescribers and pharmacies who choose to integrate access to the prescription monitoring program; requiring a prescriber to access the prescription monitoring program before prescribing a controlled substance; limiting the quantity of opiates and narcotics that can be prescribed for acute pain at any one time; appropriating money; requiring a report; amending Minnesota Statutes 2016, sections 151.065, by adding subdivisions; 151.252, subdivision 1; 152.11, subdivisions 1, 2; 152.126, subdivisions 1, 6, 10; Laws 2017, First Special Session chapter 6, article 12, section 2, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 151.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1****OPIATE PRODUCT STEWARDSHIP**

Section 1. Minnesota Statutes 2016, section 151.252, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) No person shall act as a drug manufacturer without first obtaining a license from the board and paying any applicable fee specified in section 151.065.

(b) In addition to the license required under paragraph (a), a manufacturer of a Schedule II through IV opiate controlled substance must pay the applicable registration fee specified in section 151.77, subdivision 3, by June 1 of each year, beginning June 1, 2019. In the event of a change of ownership of the manufacturer, the new owner must pay the registration fee specified under section 151.77, subdivision 3, that the original owner would have been assessed had it retained ownership.

~~(b)~~ (c) Application for a drug manufacturer license under this section shall be made in a manner specified by the board.

~~(c)~~ (d) No license shall be issued or renewed for a drug manufacturer unless the applicant agrees to operate in a manner prescribed by federal and state law and according to Minnesota Rules.

~~(d)~~ (e) No license shall be issued or renewed for a drug manufacturer that is required to be registered pursuant to United States Code, title 21, section 360, unless the applicant supplies the

board with proof of registration. The board may establish by rule the standards for licensure of drug manufacturers that are not required to be registered under United States Code, title 21, section 360.

~~(e)~~ (f) No license shall be issued or renewed for a drug manufacturer that is required to be licensed or registered by the state in which it is physically located unless the applicant supplies the board with proof of licensure or registration. The board may establish, by rule, standards for the licensure of a drug manufacturer that is not required to be licensed or registered by the state in which it is physically located.

~~(f)~~ (g) The board shall require a separate license for each facility located within the state at which drug manufacturing occurs and for each facility located outside of the state at which drugs that are shipped into the state are manufactured.

~~(g)~~ (h) The board shall not issue an initial or renewed license for a drug manufacturing facility unless the facility passes an inspection conducted by an authorized representative of the board. In the case of a drug manufacturing facility located outside of the state, the board may require the applicant to pay the cost of the inspection, in addition to the license fee in section 151.065, unless the applicant furnishes the board with a report, issued by the appropriate regulatory agency of the state in which the facility is located or by the United States Food and Drug Administration, of an inspection that has occurred within the 24 months immediately preceding receipt of the license application by the board. The board may deny licensure unless the applicant submits documentation satisfactory to the board that any deficiencies noted in an inspection report have been corrected.

Sec. 2. Minnesota Statutes 2016, section 151.47, is amended by adding a subdivision to read:

Subd. 1a. **Controlled substance wholesale drug distributor requirements.** In addition to the license required under subdivision 1, a wholesale drug distributor distributing a Schedule II through IV opiate controlled substance must pay the applicable registration fee specified in section 151.77 by June 1 of each year beginning June 1, 2019. In the event of a change in ownership of the wholesale drug distributor, the new owner must pay the registration fee specified in section 151.77 that the original owner would have been assessed had it retained ownership.

Sec. 3. **[151.75] OPIATE STEWARDSHIP ADVISORY COUNCIL.**

Subdivision 1. **Establishment of the advisory council.** (a) The Opiate Stewardship Advisory Council is established to develop and implement a comprehensive and effective statewide effort to address the opioid addiction and overdose epidemic in Minnesota. The council shall focus on:

(1) prevention and education, including public education and awareness for adults and youth, prescriber education, the development and sustainability of opioid overdose prevention and education programs, and providing financial support to local law enforcement agencies for opiate antagonist programs;

(2) treatment, including statewide access to effective treatment and recovery services that is aligned with Minnesota's model of care approach to promoting access to treatment and recovery services. This includes ensuring that individuals throughout the state have access to treatment and recovery services, including care coordination services; peer recovery services; medication-assisted treatment and office-based opioid treatment; integrative and multidisciplinary therapies; and culturally specific services; and

(3) innovation and capacity building, including development of evidence-based practices, using research and evaluation to understand which policies and programs promote efficient and effective prevention, treatment, and recovery results. This also includes ensuring that there are qualified providers and a comprehensive set of treatment and recovery services throughout the state.

(b) The council shall:

(1) review local, state, and federal initiatives and funding related to prevention and education, treatment, and services for individuals and families experiencing and affected by opioid abuse, and promoting innovation and capacity building to address the opioid addiction and overdose epidemic;

(2) establish priorities to address the state's opioid addiction and overdose epidemic for the purpose of allocating funds and consult with the commissioner of management and budget to determine whether proposals are for evidence-based practices, promising practices, or theory-based practices;

(3) ensure that available funding under this section is allocated to align with existing state and federal funding to achieve the greatest impact and ensure a coordinated state effort to address the opioid addiction and overdose epidemic;

(4) develop criteria and procedures to be used in awarding grants and allocating available funds from the opiate stewardship account and select proposals to receive grant funding. The council is encouraged to select proposals that are promising practices or theory-based practices, in addition to evidence-based practices, to help identify new approaches to effective prevention, treatment, and recovery; and

(5) in consultation with the commissioner of management and budget, and within available appropriations, select from the awarded grants projects that include promising practices or theory-based activities for which the commissioner of management and budget shall conduct evaluations using experimental or quasi-experimental design. Grants awarded to proposals that include promising practices or theory-based activities and that are selected for an evaluation shall be administered to support the experimental or quasi-experimental evaluation and require grantees to collect and report information that is needed to complete the evaluation. The commissioner of management and budget, under section 15.08, may obtain additional relevant data to support the experimental or quasi-experimental evaluation studies.

Subd. 2. **Membership.** (a) The council shall consist of 18 members appointed by the commissioner of human services, except as otherwise specified:

(1) two members of the house of representatives, one from the majority party appointed by the speaker of the house and one from the minority party appointed by the minority leader;

(2) two members of the senate, one from the majority party appointed by the senate majority leader and one from the minority party appointed by the senate minority leader;

(3) one member appointed by the Board of Pharmacy;

(4) one member who is a physician appointed by the Minnesota chapter of the American College of Emergency Physicians;

- (5) one member representing opioid treatment programs or sober living programs;
- (6) one member who is a physician appointed by the Minnesota Hospital Association;
- (7) one member who is a physician appointed by the Minnesota Society of Addiction Medicine;
- (8) one member who is a pain psychologist;
- (9) one member appointed by the Steve Rummeler Hope Network;
- (10) one member appointed by the Minnesota Ambulance Association;
- (11) one member representing the Minnesota courts who is a judge or law enforcement officer;
- (12) one public member who is a Minnesota resident and who has been impacted by the opioid epidemic;
- (13) one member representing a manufacturer of opiates;
- (14) one member representing an Indian tribe;
- (15) the commissioner of human services or designee; and
- (16) the commissioner of health or designee.

(b) The commissioner of human services shall coordinate appointments to provide geographic diversity and shall ensure that at least one-half of council members reside outside of the seven-county metropolitan area.

(c) The council is governed by section 15.059, except that members of the council shall receive no compensation other than reimbursement for expenses. Notwithstanding section 15.059, subdivision 6, the council shall not expire.

(d) The chair shall convene the council at least quarterly, and may convene other meetings as necessary. The chair shall convene meetings at different locations in the state to provide geographic access, and shall ensure that at least one-half of the meetings are held at locations outside of the seven-county metropolitan area.

(e) The commissioner of human services shall provide staff and administrative services for the advisory council.

(f) The council is subject to chapter 13D.

Subd. 3. **Conflict of interest.** Advisory council members must disclose to the council and recuse themselves from voting on any matter before the council if the member has a conflict of interest. A conflict of interest means a financial association that has the potential to bias or have the appearance of biasing a council member's decision related to the opiate stewardship grant decision process or other council activities under this section.

Subd. 4. **Grants.** (a) The commissioner of human services shall submit a report of the grants proposed by the advisory council to be awarded for the upcoming fiscal year to the chairs and ranking

minority members of the legislative committees with jurisdiction over health and human services policy and finance, by March 1 of each year, beginning March 1, 2019.

(b) The commissioner of human services shall award grants from the opiate stewardship account under section 151.256. The grants shall be awarded to proposals selected by the advisory council that address the priorities in paragraph (a), clauses (1) to (3), unless otherwise appropriated by the legislature. No more than three percent of the grant amount may be used by a grantee for administration.

Subd. 5. **Reports.** (a) The advisory council shall report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by January 1 of each year beginning January 1, 2020, information about the individual projects that receive grants and the role of the grant program overall in addressing the opioid addiction and overdose epidemic in Minnesota. The report must describe the grantees and the activities implemented, along with measurable outcomes as determined by the council in consultation with the commissioner of human services and the commissioner of management and budget. At a minimum, the report must include information about the number of individuals who received information or treatment, the outcomes the individuals achieved, and demographic information about the individuals participating in the project; an assessment of the progress toward achieving statewide access to qualified providers and comprehensive treatment and recovery services; and an update on the evaluation activities implemented by the commissioner of management and budget for the promising practices and theory-based projects that receive funding.

(b) The commissioner of management and budget, in consultation with the Opiate Stewardship Advisory Council, shall report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by January 1, beginning January 1, 2021, on the promising practices or theory-based projects that are selected for evaluation activities. The report shall include demographic information; outcome information for the individuals in the program; the results for the program in promoting recovery, employment, family reunification, and reducing involvement with the criminal justice system; and other relevant outcomes determined by the commissioner of management and budget that are specific to the projects that are evaluated. The report shall include information about the ability of grant programs to be scaled to achieve statewide the results that the grant project demonstrated.

Sec. 4. **[151.76] OPIATE STEWARDSHIP ACCOUNT.**

Subdivision 1. **Establishment.** The opiate stewardship account is established in the special revenue fund in the state treasury. The registration fees collected by the Board of Pharmacy under section 151.77 shall be deposited into the account.

Subd. 2. **Use of account funds.** (a) Beginning in fiscal year 2020, money in the account shall be appropriated each fiscal year as specified in this subdivision.

(b) \$300,000 is appropriated to the commissioner of management and budget for evaluation activities under section 151.75.

(c) \$249,000 is appropriated to the commissioner of human services for the provision of administrative services to the Opiate Stewardship Advisory Council and for the administration of the grants awarded under paragraph (f).

(d) \$33,000 is appropriated to the Board of Pharmacy for the collection of the registration fees under section 151.77.

(e) \$384,000 is appropriated to the commissioner of public safety for Bureau of Criminal Apprehension drug scientists and lab supplies.

(f) Money remaining in the opiate stewardship account after making the appropriations required in paragraphs (b) through (e) is appropriated to the commissioner of human services. The commissioner shall distribute the appropriation as follows:

(1) at least 50 percent shall be distributed to county social service agencies to provide child protection services to children and families who are affected by addiction. The commissioner shall distribute this money proportionally to counties based on the number of open child protection case management cases in the county using data from the previous calendar year; and

(2) the remaining money shall be awarded as specified by the Opiate Stewardship Advisory Council as grants in accordance with section 151.75, unless otherwise appropriated by the legislature.

#### **Sec. 5. [151.77] OPIATE PRODUCT REGISTRATION FEE.**

Subdivision 1. **Definition.** For purposes of this section, the following terms have the meanings given to them in this subdivision:

(1) "manufacturer" means a manufacturer licensed under section 151.252 that is engaged in the manufacturing of an opiate;

(2) "opiate" means any opiate-containing controlled substance listed in section 152.02, subdivisions 3 to 5, that is distributed, delivered, sold, or dispensed into or within this state; and

(3) "wholesaler" means a wholesale drug distributor who is licensed under section 151.47, and is engaged in the wholesale drug distribution of an opiate.

Subd. 2. **Reporting requirements.** (a) By March 1 of each year, beginning March 1, 2019, each manufacturer and each wholesale drug distributor must report to the board every sale, delivery, or other distribution within or into this state of any opiate that is made to any practitioner, pharmacy, hospital, veterinary hospital, or other person who is permitted by section 151.37 to possess controlled substances for administration or dispensing to patients that occurred during the previous calendar year. Reporting must be in the automation of reports and consolidated orders system format unless otherwise specified by the board. If a manufacturer fails to provide information required under this paragraph on a timely basis, the board may assess an administrative penalty of \$100 per day. This penalty shall not be considered a form of disciplinary action.

(b) By March 1 of each year, beginning March 1, 2019, each owner of a pharmacy that is located within this state must report to the board the intracompany delivery or distribution, into this state, of any opiate, to the extent that those deliveries and distributions are not reported to the board by a licensed wholesale drug distributor owned by, under contract to, or otherwise operating on behalf of the owner of the pharmacy. Reporting must be in the manner and format specified by the board for deliveries and distributions that occurred during the previous calendar year.

Subd. 3. **Determination of each manufacturer's registration fee.** (a) The board shall annually assess manufacturer registration fees that in an aggregate amount total \$12,000,000. The board shall determine each manufacturer's annual registration fee that is prorated and based on the manufacturer's percentage of the total number of units reported to the board under subdivision 2.

(b) By April 1 of each year, beginning April 1, 2019, the board shall notify each manufacturer of the annual amount of the manufacturer's registration fee to be paid by June 1, in accordance with section 151.252, subdivision 1, paragraph (b).

(c) In conjunction with the data reported under this section, the board may use the data reported under section 152.126, subdivision 4, to determine the manufacturer registration fees required under this subdivision.

(d) A manufacturer may dispute the registration fee as determined by the board no later than 30 days after the date of notification. However, the manufacturer must still remit the fee as required by section 151.252, subdivision 1, paragraph (b). The dispute must be filed with the board in the manner and using the forms specified by the board. A manufacturer must submit, with the required forms, data satisfactory to the board that demonstrates that the registration fee was incorrect. The board must make a decision concerning a dispute no later than 60 days after receiving the required dispute forms. If the board determines that the manufacturer has satisfactorily demonstrated that the original fee was incorrect, the board must adjust the manufacturer's registration fee due the next year by the amount that is in excess of the correct fee that should have been paid.

Subd. 4. **Determination of each wholesaler's registration fee.** (a) The board shall annually assess wholesaler registration fees that in an aggregate amount total \$8,000,000. The board shall determine each wholesaler's annual registration fee that is prorated and based on the wholesaler's percentage of the total number of units reported to the board under subdivision 2. This paragraph does not apply to a wholesaler if the wholesaler is also licensed as a drug manufacturer under section 151.252.

(b) By April 1 of each year, beginning April 1, 2019, the board shall notify each wholesaler, the annual amount of the wholesaler's registration fee to be paid by June 1, in accordance with section 151.47, subdivision 1a.

(c) In conjunction with the data reported under this section, the board may use the data reported under section 152.126, subdivision 4, to determine the wholesaler registration fees required under this subdivision.

(d) A wholesaler may dispute the registration fee as determined by the board no later than 30 days after the date of notification. However, the wholesaler must still remit the fee as required by section 151.252, subdivision 1, paragraph (b). The dispute must be filed with the board in the manner and using the forms specified by the board. A wholesaler must submit, with the required forms, data satisfactory to the board that demonstrates that the registration fee was incorrect. The board must make a decision concerning a dispute no later than 60 days after receiving the required dispute forms. If the board determines that the wholesaler has satisfactorily demonstrated that the original fee was incorrect, the board must adjust the wholesaler's registration fee due the next year by the amount that is in excess of the correct fee that should have been paid.

Subd. 5. **Deposit.** Registration fees collected by the board in accordance with this section shall be deposited in the opiate stewardship account established under section 151.76.

Subd. 6. **Report.** (a) The Board of Pharmacy shall evaluate the registration fee on drug manufacturers and wholesalers established under this section, and whether the fee has impacted the prescribing practices for opiates by reducing the number of opiate prescriptions issued during calendar years 2019, 2020, and 2021, to the extent the board has the ability to effectively identify a correlation. Notwithstanding Minnesota Statutes, section 152.126, subdivision 6, the board may access the data reported under Minnesota Statutes, section 152.126, subdivision 4, to conduct this evaluation.

(b) The board shall submit its results of its evaluation to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance by March 1, 2022.

Subd. 7. **Legislative review.** The legislature shall review the reports from the Opiate Stewardship Advisory Council under section 151.75, subdivision 5, paragraph (a), the reports from the commissioner of management and budget on the Results First evaluation activities under section 151.75, subdivision 5, paragraph (b), the report from the Board of Pharmacy under subdivision 5, and any other relevant report or information related to the opioid crisis in Minnesota, to make a determination about whether the opiate product registration fee under this section should continue beyond July 1, 2022.

**Sec. 6. OPIATE STEWARDSHIP ADVISORY COUNCIL FIRST MEETING.**

The commissioner of human services shall convene the first meeting of the Opiate Stewardship Advisory Council established under Minnesota Statutes, section 151.75, no later than October 1, 2018. The members shall elect a chair at the first meeting.

**Sec. 7. APPROPRIATIONS.**

(a) \$52,000 in fiscal year 2019 is appropriated from the special revenue fund to the Board of Pharmacy for the administrative fees related to the collection of the registration fee under Minnesota Statutes, section 151.77. This is a onetime appropriation.

(b) \$131,000 in fiscal year 2019 is appropriated from the special revenue fund to the commissioner of human services for administration of the Opioid Product Stewardship Advisory Council established under Minnesota Statutes, section 151.75. This is a onetime appropriation.

(c) \$384,000 in fiscal year 2019 is appropriated from the special revenue fund to the commissioner of public safety for Bureau of Criminal Apprehension drug scientists and lab supplies.

**ARTICLE 2**

**OTHER OPIATE PROVISIONS**

Section 1. Minnesota Statutes 2016, section 152.11, subdivision 1, is amended to read:



Subdivision 1. **General prescription requirements for controlled substances.** (a) A written prescription or an oral prescription reduced to writing, when issued for a controlled substance in Schedule II, III, IV, or V, is void unless (1) it is written in ink and contains the name and address of the person for whose use it is intended; (2) it states the amount of the controlled substance to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the handwritten signature, address, and federal registry number of the prescriber and a designation of the branch of the healing art pursued by the prescriber; and if an oral prescription, the name and address of the prescriber and a designation of the prescriber's branch of the healing art; and (4) it shows the date when signed by the prescriber, or the date of acceptance in the pharmacy if an oral prescription.

(b) An electronic prescription for a controlled substance in Schedule II, III, IV, or V is void unless it complies with the standards established pursuant to section 62J.497 and with those portions of Code of Federal Regulations, title 21, parts 1300, 1304, 1306, and 1311, that pertain to electronic prescriptions.

(c) A prescription for a controlled substance in Schedule II, III, IV, or V that is transmitted by facsimile, either computer to facsimile machine or facsimile machine to facsimile machine, is void unless it complies with the applicable requirements of Code of Federal Regulations, title 21, part 1306.

(d) Every licensed pharmacy that dispenses a controlled substance prescription shall retain the original prescription in a file for a period of not less than two years, open to inspection by any officer of the state, county, or municipal government whose duty it is to aid and assist with the enforcement of this chapter. An original electronic or facsimile prescription may be stored in an electronic database, provided that the database provides a means by which original prescriptions can be retrieved, as transmitted to the pharmacy, for a period of not less than two years.

(e) Every licensed pharmacy shall distinctly label the container in which a controlled substance is dispensed with the directions contained in the prescription for the use of that controlled substance.

(f) No prescription for an opiate or narcotic pain reliever listed in Schedules II through IV of section 152.02 shall be dispensed more than 30 days after the date on which the prescription was issued. After 30 days from the date of issuance of the prescription, no additional authorizations may be accepted for that prescription. If continued therapy is necessary, a new prescription must be issued by the prescriber.

Sec. 2. Minnesota Statutes 2016, section 152.11, subdivision 2, is amended to read:

Subd. 2. **Prescription requirements for Schedule III or IV controlled substances.** No person may dispense a controlled substance included in Schedule III or IV of section 152.02 without a prescription issued, as permitted under subdivision 1, by a doctor of medicine, a doctor of osteopathic medicine licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a doctor of optometry limited to Schedule IV, or a doctor of veterinary medicine, lawfully licensed to prescribe in this state or from a practitioner licensed to prescribe controlled substances by the state in which the prescription is issued, and having a current federal drug enforcement administration registration number. Such prescription may not be dispensed or refilled except with the documented consent of the prescriber, ~~and in no event more than six months after~~

~~the date on which such prescription was issued~~ and no such prescription may be refilled more than five times.

Sec. 3. Minnesota Statutes 2016, section 152.126, subdivision 6, is amended to read:

Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision, the data submitted to the board under subdivision 4 is private data on individuals as defined in section 13.02, subdivision 12, and not subject to public disclosure.

(b) Except as specified in subdivision 5, the following persons shall be considered permissible users and may access the data submitted under subdivision 4 in the same or similar manner, and for the same or similar purposes, as those persons who are authorized to access similar private data on individuals under federal and state law:

(1) a prescriber or an agent or employee of the prescriber to whom the prescriber has delegated the task of accessing the data, to the extent the information relates specifically to a current patient, to whom the prescriber is:

(i) prescribing or considering prescribing any controlled substance;

(ii) providing emergency medical treatment for which access to the data may be necessary;

(iii) providing care, and the prescriber has reason to believe, based on clinically valid indications, that the patient is potentially abusing a controlled substance; or

(iv) providing other medical treatment for which access to the data may be necessary for a clinically valid purpose and the patient has consented to access to the submitted data, and with the provision that the prescriber remains responsible for the use or misuse of data accessed by a delegated agent or employee;

(2) a dispenser or an agent or employee of the dispenser to whom the dispenser has delegated the task of accessing the data, to the extent the information relates specifically to a current patient to whom that dispenser is dispensing or considering dispensing any controlled substance and with the provision that the dispenser remains responsible for the use or misuse of data accessed by a delegated agent or employee;

(3) a licensed pharmacist who is providing pharmaceutical care for which access to the data may be necessary to the extent that the information relates specifically to a current patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber who is requesting data in accordance with clause (1);

(4) an individual who is the recipient of a controlled substance prescription for which data was submitted under subdivision 4, or a guardian of the individual, parent or guardian of a minor, or health care agent of the individual acting under a health care directive under chapter 145C. For purposes of this clause, access by individuals includes persons in the definition of an individual under section 13.02;

(5) personnel or designees of a health-related licensing board listed in section 214.01, subdivision 2, or of the Emergency Medical Services Regulatory Board, assigned to conduct a bona fide investigation of a complaint received by that board that alleges that a specific licensee is impaired by use of a drug for which data is collected under subdivision 4, has engaged in activity that would constitute a crime as defined in section 152.025, or has engaged in the behavior specified in subdivision 5, paragraph (a);

(6) personnel of the board engaged in the collection, review, and analysis of controlled substance prescription information as part of the assigned duties and responsibilities under this section;

(7) authorized personnel of a vendor under contract with the state of Minnesota who are engaged in the design, implementation, operation, and maintenance of the prescription monitoring program as part of the assigned duties and responsibilities of their employment, provided that access to data is limited to the minimum amount necessary to carry out such duties and responsibilities, and subject to the requirement of de-identification and time limit on retention of data specified in subdivision 5, paragraphs (d) and (e);

(8) federal, state, and local law enforcement authorities acting pursuant to a valid search warrant;

(9) personnel of the Minnesota health care programs assigned to use the data collected under this section to identify and manage recipients whose usage of controlled substances may warrant restriction to a single primary care provider, a single outpatient pharmacy, and a single hospital;

(10) personnel of the Department of Human Services assigned to access the data pursuant to paragraph (i);

(11) personnel of the health professionals services program established under section 214.31, to the extent that the information relates specifically to an individual who is currently enrolled in and being monitored by the program, and the individual consents to access to that information. The health professionals services program personnel shall not provide this data to a health-related licensing board or the Emergency Medical Services Regulatory Board, except as permitted under section 214.33, subdivision 3; and

~~For purposes of clause (4), access by an individual includes persons in the definition of an individual under section 13.02; and~~

(12) personnel or designees of a health-related licensing board listed in section 214.01, subdivision 2, assigned to conduct a bona fide investigation of a complaint received by that board that alleges that a specific licensee is inappropriately prescribing controlled substances as defined in this section.

(c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed in section 214.01, subdivision 2, practicing within this state who is authorized to prescribe controlled substances for humans and who holds a current registration issued by the federal Drug Enforcement Administration, and every pharmacist licensed by the board and practicing within the state, shall register and maintain a user account with the prescription monitoring program. Data submitted by a prescriber, pharmacist, or their delegate during the registration application process, other than their name, license number, and license type, is classified as private pursuant to section 13.02, subdivision 12.

(d) Notwithstanding paragraph (b), beginning January 1, 2020, a prescriber or an agent or employee of the prescriber to whom the prescriber has delegated the task of accessing the data, must access the data submitted under subdivision 4 to the extent the information relates specifically to the patient before the prescriber issues a prescription order for a controlled substance to the patient. This paragraph does not apply if:

(1) the patient is receiving hospice care;

(2) the prescription order is for a number of doses that is intended to last the patient five days or less and is not subject to a refill;

(3) the controlled substance is lawfully administered by injection, ingestion, or any other means to the patient by the prescriber, a pharmacist, or by the patient at the direction of a prescriber and in the presence of the prescriber or pharmacist;

(4) the prescriber is a veterinarian and the patient is an animal under the care of the veterinarian;

(5) due to an emergency, it is not possible for the prescriber to review the data before the prescriber issues the prescription order for the patient; or

(6) the prescriber is unable to access the data due to operational or other technological failure of the program so long as the prescriber reports the failure to the board.

(e) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9), and (10), may directly access the data electronically. No other permissible users may directly access the data electronically. If the data is directly accessed electronically, the permissible user shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are appropriate to the user's size and complexity, and the sensitivity of the personal information obtained. The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and assess the sufficiency of any safeguards in place to control the risks.

(f) The board shall not release data submitted under subdivision 4 unless it is provided with evidence, satisfactory to the board, that the person requesting the information is entitled to receive the data.

(g) The board shall maintain a log of all persons who access the data for a period of at least three years and shall ensure that any permissible user complies with paragraph (c) prior to attaining direct access to the data.

(h) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant to subdivision 2. A vendor shall not use data collected under this section for any purpose not specified in this section.

(i) The board may participate in an interstate prescription monitoring program data exchange system provided that permissible users in other states have access to the data only as allowed under this section, and that section 13.05, subdivision 6, applies to any contract or memorandum of understanding that the board enters into under this paragraph.

(j) With available appropriations, the commissioner of human services shall establish and implement a system through which the Department of Human Services shall routinely access the data for the purpose of determining whether any client enrolled in an opioid treatment program licensed according to chapter 245A has been prescribed or dispensed a controlled substance in addition to that administered or dispensed by the opioid treatment program. When the commissioner determines there have been multiple prescribers or multiple prescriptions of controlled substances, the commissioner shall:

(1) inform the medical director of the opioid treatment program only that the commissioner determined the existence of multiple prescribers or multiple prescriptions of controlled substances; and

(2) direct the medical director of the opioid treatment program to access the data directly, review the effect of the multiple prescribers or multiple prescriptions, and document the review.

If determined necessary, the commissioner of human services shall seek a federal waiver of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section 2.34, paragraph (c), prior to implementing this paragraph.

(k) The board shall review the data submitted under subdivision 4 on at least a quarterly basis and shall establish criteria, in consultation with the advisory task force, for referring information about a patient to prescribers and dispensers who prescribed or dispensed the prescriptions in question if the criteria are met.

Sec. 4. Minnesota Statutes 2016, section 152.126, subdivision 10, is amended to read:

Subd. 10. **Funding.** (a) The board may seek grants and private funds from nonprofit charitable foundations, the federal government, and other sources to fund the enhancement and ongoing operations of the prescription monitoring program established under this section. Any funds received shall be appropriated to the board for this purpose. The board may not expend funds to enhance the program in a way that conflicts with this section without seeking approval from the legislature.

(b) Notwithstanding any other section, the administrative services unit for the health-related licensing boards shall apportion between the Board of Medical Practice, the Board of Nursing, the Board of Dentistry, the Board of Podiatric Medicine, the Board of Optometry, the Board of Veterinary Medicine, and the Board of Pharmacy an amount to be paid through fees by each respective board. The amount apportioned to each board shall equal each board's share of the annual appropriation to the Board of Pharmacy from the state government special revenue fund for operating the prescription monitoring program under this section. Each board's apportioned share shall be based on the number of prescribers or dispensers that each board identified in this paragraph licenses as a percentage of the total number of prescribers and dispensers licensed collectively by these boards. Each respective board may adjust the fees that the boards are required to collect to compensate for the amount apportioned to each board by the administrative services unit.

(c) The board shall have the authority to modify its contract with its vendor as provided in subdivision 2, to authorize that vendor to provide a service to prescribers and pharmacies that allows them to access prescription monitoring program data from within the electronic health record system or pharmacy software used by those prescribers and pharmacists. Beginning July 1, 2018, the board has the authority to collect an annual fee from each prescriber or pharmacist who accesses prescription

monitoring program data through the service offered by the vendor. The annual fee collected must not exceed \$50 per user. The fees collected by the board under this paragraph shall be deposited in the state government special revenue fund and is appropriated to the board for the purposes of this paragraph.

Sec. 5. Laws 2017, First Special Session chapter 6, article 12, section 2, subdivision 4, is amended to read:

**Subd. 4. Limit on quantity of opiates prescribed for acute dental and ophthalmic pain.** (a) When used for the treatment of acute pain, prescriptions for opiates or narcotic pain relievers listed in Schedules II through IV in section 152.02 shall not exceed a seven-day supply for an adult and shall not exceed a five-day supply for a minor under 18 years of age.

~~(a) (b) Notwithstanding paragraph (a), when used for the treatment of acute dental pain or acute pain associated with refractive surgery, prescriptions for opiate or narcotic pain relievers listed in Schedules II through IV of section 152.02 shall not exceed a four-day supply. The quantity prescribed shall be consistent with the dosage listed in the professional labeling for the drug that has been approved by the United States Food and Drug Administration.~~

~~(b) (c) For the purposes of this subdivision, "acute pain" means pain resulting from disease, accidental or intentional trauma, surgery, or another cause, that the practitioner reasonably expects to last only a short period of time. Acute pain does not include chronic pain or pain being treated as part of cancer care, palliative care, or hospice or other end-of-life care.~~

~~(c) Notwithstanding paragraph (a), if in the professional clinical judgment of a practitioner more than a four day supply of a prescription listed in Schedules II through IV of section 152.02 is required to treat a patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat such acute pain."~~

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 2991 and 2897 were read the second time.

## MEMBERS EXCUSED

Senator Nelson was excused from the Session of today from 10:30 to 11:15 a.m. Senator Dibble was excused from the Session of today from 10:45 to 11:00 a.m. Senator Cwodzinski was excused from the Session of today from 10:45 to 11:30 a.m. Senator Simonson was excused from the Session of today from 1:50 to 2:20 p.m. Senator Westrom was excused from the Session of today from 3:30 to 3:35 p.m.

89TH DAY]

TUESDAY, MAY 1, 2018

8519

**ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 10:30 a.m., Wednesday, May 2, 2018. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

