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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 67

06/26/2021 Authored by Lucero
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to consumer data privacy; requiring a consumer's consent prior to collecting
1.3 personal information; proposing coding for new law in Minnesota Statutes, chapter
1.4 325M.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [325M.10] CONSENT REQUIRED FOR COLLECTION OF PERSONAL
1.7 INFORMATION.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.9 the meanings given.

1.10 (b) "Business" means an individual, corporation, business trust, estate, trust, partnership,
1.11 limited liability company, association, joint venture, or any other legal or commercial entity
1.12 that is organized or operated for the profit or financial benefit of the business's shareholders
1.13 or other owners.

1.14 (c) "Consent" means any freely given, specific, informed, and unambiguous indication
1.15 of the consumer's wishes by which the consumer signifies agreement to the collection of
1.16 personal data relating to the consumer.

1.17 (d) "Consumer" means a natural person who is a Minnesota resident acting only in an
1.18 individual or household context. It does not include a natural person acting in a commercial
1.19 or employment context.

1.20 (e) "Personal information" means information that identifies, relates to, describes, is
1.21 capable of being associated with, or could reasonably be linked, directly or indirectly, with
1.22 a particular consumer.

2.1 Subd. 2. **Application.** This section applies to businesses that conduct business in  
2.2 Minnesota or produce products or services that are targeted to residents of Minnesota.

2.3 Subd. 3. **Consent required.** (a) A business must not collect, use, or disclose a consumer's  
2.4 personal information without the consumer's consent.

2.5 (b) In order to receive the consumer's consent, the business must, at or before the point  
2.6 of collection of the consumer's personal information, notify the consumer of:

2.7 (1) the categories of personal information the business collects about the consumer;

2.8 (2) the categories of sources from which the business collects the personal information;

2.9 (3) for each category of personal information, the purpose for collecting the personal  
2.10 information; and

2.11 (4) for each category of personal information, the categories of persons to which the  
2.12 personal information may be disclosed and the purpose for the disclosure.

2.13 (c) A business must not collect additional categories of personal information, use personal  
2.14 information collected for additional purposes, or disclose additional personal information  
2.15 without notifying the consumer consistent with paragraph (b) and receiving the consumer's  
2.16 consent consistent with paragraph (a) regarding the additional categories, purposes, or  
2.17 disclosures.

2.18 Subd. 4. **Enforcement.** (a) The attorney general may seek the penalties and remedies  
2.19 available under section 8.31 against a business who violates this section. If the state prevails  
2.20 in an action to enforce this section, the state may be allowed an amount determined by the  
2.21 court to be the reasonable value of all or part of the state's litigation expenses incurred.

2.22 (b) A business that violates this section is liable to a consumer who suffers any damage  
2.23 as a result of the violation, and the damaged consumer may bring an action against the  
2.24 responsible business to cover any damages sustained, plus costs and reasonable attorney  
2.25 fees.

2.26 (c) In addition to other remedies provided by law or equity, a business that violates this  
2.27 section is subject to an injunction and liable for a civil penalty of not more than \$7,500 for  
2.28 each violation.

2.29 Sec. 2. **REVISOR INSTRUCTION.**

2.30 In Minnesota Statutes, sections 325M.01 to 325M.09, the revisor of statutes shall change  
2.31 the term "this chapter" and similar terms to "sections 325M.01 to 325M.09" or similar terms.  
2.32 The revisor shall also make grammatical changes related to the changes in terms.

3.1 Sec. 3. **EFFECTIVE DATE.**

3.2 This act is effective July 31, 2023.