

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2677

(SENATE AUTHORS: LATZ, Pappas and Marty)

DATE
02/26/2018

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6196 Introduction and first reading
Referred to Commerce and Consumer Protection Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to consumer protection; unsolicited commercial electronic mail messages;
1.3 setting a deadline for implementation of recipient directives to unsubscribe;
1.4 providing for enforcement against violations; amending Minnesota Statutes 2016,
1.5 section 325F.694, subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2016, section 325F.694, subdivision 4, is amended to read:

1.8 Subd. 4. ~~Toll-free number~~ Opt-out requirement. (a) A sender initiating the transmission
1.9 of a commercial electronic mail message must establish a toll-free telephone number, a
1.10 valid sender-operated return electronic mail address, or another easy-to-use electronic
1.11 method that the recipient of the commercial electronic mail message may call or access by
1.12 electronic mail or other electronic means to notify the sender not to transmit by electronic
1.13 mail any further unsolicited commercial electronic mail messages. The notification process
1.14 may include the ability for the commercial electronic mail messages recipient to direct the
1.15 initiator to transmit or not transmit particular commercial electronic mail messages based
1.16 upon products, services, divisions, organizations, companies, or other selections of the
1.17 recipient's choice.

1.18 (b) A commercial electronic mail message must include a statement informing the
1.19 recipient of a toll-free telephone number that the recipient may call, or a valid return address
1.20 to which the recipient may write or access by electronic mail or another electronic method
1.21 established by the initiator, notifying the sender not to transmit to the recipient any further
1.22 unsolicited commercial electronic mail messages to the electronic mail address, or addresses,
1.23 specified by the recipient, and explaining the manner in which the recipient may specify
1.24 what commercial electronic mail messages the recipient does and does not wish to receive.

2.1 (c) A sender of a commercial electronic mail message who receives notice from a recipient
2.2 to discontinue sending messages to the recipient must comply with the recipient's directive
2.3 within ten business days of receiving the notice.

2.4 (d) This subdivision applies to commercial electronic mail messages transmitted by any
2.5 person on behalf of a seller or lessor of real property, goods, or services.

2.6 (e) In addition to remedies otherwise provided by law, a person injured by a violation
2.7 of this subdivision may bring a civil action and recover damages, together with costs and
2.8 disbursements, including costs of investigation and reasonable attorney fees, and receive
2.9 other equitable relief as determined by the court. The court may, as appropriate, enter a
2.10 consent judgment or decree without the finding of illegality. Any civil action brought under
2.11 this subdivision is for the benefit of the public.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.