

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4557

(SENATE AUTHORS: BIGHAM and Kent)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Jobs and Economic Growth Finance and Policy

1.1 A bill for an act
1.2 relating to economic development; providing a process for allowing certain low-risk
1.3 businesses to safely reopen during a peacetime emergency.

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

1.5 Section 1. **LOW-RISK BUSINESS OPERATION DURING PEACETIME**
1.6 **EMERGENCY; WAIVER PROCESS.**

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

1.9 (b) "Business" means any for-profit or nonprofit business entity that due to an executive
1.10 order or orders issued during a peacetime public health emergency period was required to
1.11 either significantly reduce operation of the business or cease all operation of the business
1.12 during the effective period of the executive order or orders.

1.13 (c) "Commissioner" means the commissioner of employment and economic development.

1.14 (d) "Department" means the Department of Employment and Economic Development.

1.15 (e) "Low-risk business" means a business that has been determined to have the potential
1.16 to operate in a safe manner either at full capacity or reduced capacity during a peacetime
1.17 public health emergency period.

1.18 (f) "Peacetime public health emergency period" means the duration of any peacetime
1.19 emergency declared by the governor in an executive order that relates to COVID-19, but
1.20 ending no later than January 31, 2021.

2.1 Subd. 2. Identification of low-risk businesses; waiver application. (a) The
2.2 commissioner, in consultation with the commissioner of health, shall identify businesses,
2.3 by type or category, that are either low risk or could adopt procedures to make the business
2.4 low risk for putting the health and safety of a business owner, workers, and the general
2.5 public at risk due to potential exposure of the owner, workers, and the general public to
2.6 COVID-19.

2.7 (b) By April 30, 2020, the commissioner shall make available on the department's website
2.8 a list of the low-risk business categories identified that are eligible to apply for a waiver for
2.9 safe operation during a peacetime public health emergency period under this section.

2.10 (c) The commissioner shall develop an application and waiver process for low-risk
2.11 businesses to submit a plan for safe operation during a peacetime emergency. The application
2.12 shall be made available in an easily accessible format on the department's website.

2.13 Subd. 3. Application; plan requirements. A low-risk business seeking to obtain a
2.14 waiver to operate during a peacetime emergency shall submit to the commissioner a plan
2.15 for safe operation that includes the following:

2.16 (1) the name, location, and mailing address of the business;

2.17 (2) the name and contact information of the waiver applicant;

2.18 (3) a description of the type or category of business;

2.19 (4) a proposal to minimize, or eliminate if possible, physical interactions among
2.20 employees and with and between customers;

2.21 (5) a strategy to ensure that appropriate health, hygiene, and safety measures are in place
2.22 in work areas, which may include but are not limited to:

2.23 (i) limiting, or eliminating if possible, physical interaction between employees, through
2.24 such measures as physical distancing, split shifts, staggered meal breaks, and flexible working
2.25 arrangements;

2.26 (ii) limiting, or eliminating if possible, physical interaction with and between customers,
2.27 through such measures as taking online or phone orders, contactless delivery or managed
2.28 entry, and physical distancing both inside and outside the business premises;

2.29 (iii) encouragement and education about hygiene basics of handwashing and use of
2.30 sanitizers;

2.31 (iv) frequent cleaning of work areas and business premises, especially counters and other
2.32 frequently touched surfaces; and

3.1 (v) the use of protective equipment for staff as appropriate;

3.2 (6) a plan to limit business activity to only what is necessary during the peacetime public
3.3 health emergency period;

3.4 (7) any other information the commissioner requests to assist in making a determination
3.5 regarding the safe operation of the business; and

3.6 (8) a statement of agreement that the business will meet any testing protocols established
3.7 and comply with other safety recommendations made by the commissioner of health or by
3.8 the Centers for Disease Control and Prevention related to COVID-19.

3.9 Subd. 4. **Waiver; issuance.** (a) Within five business days of the date the commissioner
3.10 receives an application and plan under subdivision 3, the commissioner shall issue or deny
3.11 a waiver to operate under this section.

3.12 (b) The commissioner of health shall provide technical assistance to the commissioner
3.13 as needed to approve submitted plans.

3.14 (c) The commissioner must provide written communication regarding incompleteness
3.15 to a business as soon as practicable after the business submits a plan.

3.16 (d) A business receiving a waiver to operate must post the waiver issued by the
3.17 commissioner at the place of business so that the waiver is easily visible to the public.

3.18 Subd. 5. **Enforcement.** A waiver for safe operation issued under this section may be
3.19 rescinded if a business that was issued a waiver does not adhere to the safe operation plan
3.20 filed by the business with the commissioner.

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