

all denial, suspension, revocation, and other orders which have been entered under this chapter. The register shall be open for public inspection.

Subd. 6. COPIES. The commissioner upon request shall furnish to any person at a reasonable charge photostatic or other copies, certified under his or her seal of office if certification is requested, of any entry in the register or any order or other document on file in his or her office except for documents not available to the public pursuant to subdivision 3. Any copy so certified is admissible in evidence under section 600.13.

Subd. 7. SERVICE OF ORDERS. Orders of the commissioner shall be served by mailing a copy by certified mail to the most recent address of the recipient of the order as it appears in the files of the commissioner. Subpoenas shall be served in the same manner as provided in civil actions in the district courts.

Sec. 25. [82A.25] CRIMINAL PENALTIES.

Any person who willfully violates section 82A.03 by offering or selling unregistered, nonexempt membership camping contracts or section 82A.13 or any order of the commissioner pursuant thereto of which that person has notice, may be fined not more than \$5,000 or imprisoned not more than five years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of the offenses shall not bar prosecution or conviction for any other offense.

Sec. 26. [82A.26] NONAPPLICABILITY OF CERTAIN LAW.

Membership camping contracts registered pursuant to this chapter are exempt from the provisions of chapter 83. To the extent that licensed salespersons and licensed brokers engage in the offer or sale of membership camping contracts, those brokers and salespersons are exempt from the licensing requirements of chapter 82.

Sec. 27. EFFECTIVE DATE.

This act is effective January 1, 1986.

Approved May 17, 1985

CHAPTER 130 — S.F.No. 1254

An act relating to occupational safety and health; prescribing duties of employers and of employees; providing for standards; providing for the use of investigative information; providing for enforcement mechanisms; amending Minnesota Statutes 1984, sections 182.651, subdivision 14; 182.653, subdivisions 4a, 4b, 4c, 4e, and 4f; 182.654, subdivision 11; 182.655, subdivisions 10 and 10a; 182.659, by adding a subdivision; 182.661, subdivision 1, and by adding a subdivision; 182.668, subdivision 1; and 182.669, subdivision 1.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1984, section 182.651, subdivision 14, is amended to read:

Subd. 14. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:

(a) is regulated by the federal Occupational Safety and Health Administration under title 29 of the Code of Federal Regulations part 1910, subpart Z; or

(b) is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric or pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

(c) is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

In determining whether a chemical or substance is hazardous under clause (b) or clause (c), the commissioner shall, if appropriate, apply the criteria contained in the American National Standard Institute's American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1982, or any later revision of that standard. In addition the commissioner may consider the information contained in appendices which do not appear in the standard and any other available scientific evidence which substantially indicates a chemical or substance or mixture of chemicals and substances is hazardous.

Hazardous substance does not include a substance being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

Sec. 2. Minnesota Statutes 1984, section 182.653, subdivision 4a, is amended to read:

Subd. 4a. An employer who is a manufacturer of a hazardous substance or a harmful physical agent or a mixture of substances or agents shall provide an

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employer who purchases the substance ~~or agent~~ with the information necessary for the purchasing employer to comply with subdivision 4b ~~or 4e~~. A manufacturer of equipment which may generate a harmful physical agent environment approximating that allowed by the standard adopted by the commissioner, shall provide an employer who purchases the equipment with the information necessary for the purchasing employer to comply with subdivision 4c. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, ~~agent equipment~~, or mixture.

For a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous ~~proportions~~ properties of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture; information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified together, with the information on the mixture.

Sec. 3. Minnesota Statutes 1984, section 182.653, subdivision 4b, is amended to read:

Subd. 4b. Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. The term "routinely exposed" includes the exposure of an employee to a hazardous substance when assigned to work in an area where a hazardous substance has been spilled.

For each hazardous substance to which the employee may be routinely exposed, the employer's training program shall include:

(a) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance has been ~~determined to be safe~~ restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the primary routes of entry and the known acute and chronic effects of exposure at hazardous levels;

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- (d) the known symptoms of the effects;
- (e) any potential for flammability, explosion, or reactivity of the substance;
- (f) appropriate emergency treatment;
- (g) the known proper conditions for safe use of and exposure to the substance;
- (h) procedures for cleanup of leaks and spills;
- (i) the name, phone number and address of the manufacturer of the hazardous substance; and
- (j) a written copy of all of the above information which shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

Employees who have been routinely exposed to a hazardous substance prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that hazardous substance after the effective date of Laws 1983, chapter 316, shall be trained with respect to that hazardous substance within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

This subdivision does not apply to any employer engaged in a farming operation.

~~This subdivision does not apply to any small business.~~

This subdivision does not apply to any nonpublic school or any school district before January 1, 1985.

Any technically qualified individual may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals.

Sec. 4. Minnesota Statutes 1984, section 182.653, subdivision 4c, is amended to read:

Subd. 4c. For each harmful physical agent to which an employee may be routinely exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner, including but not limited to:

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(a) the name or names of the physical agent including any commonly used synonym;

(b) the level, if any and if known, at which exposure to the physical agent has been ~~determined to be safe~~ restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the known acute and chronic effects of exposure at hazardous levels;

(d) the known symptoms of the effects;

(e) appropriate emergency treatment;

(f) the known proper conditions for safe use of and exposure to the physical agent;

(g) the name, phone number and address, if appropriate, of the manufacturer of the equipment which generates the harmful physical agent; and

(h) a written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employee may be exposed to the agent through use, handling or otherwise.

Employees who have been routinely exposed to a harmful physical agent prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that harmful physical agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that harmful physical agent within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

This subdivision does not apply to any employer engaged in a farming operation.

Any technically qualified individual may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals.

Sec. 5. Minnesota Statutes 1984, section 182.653, subdivision 4e, is amended to read:

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Subd. 4e. Each employer who is engaged in a farming operation and employs more than ten employees or who is engaged in a farming operation and maintains a temporary labor camp and employs any of its residents, shall comply with a training program, developed by the commissioner, concerning the hazardous substances and harmful physical agents to which the employees are routinely exposed. The commissioner shall develop this training program in consultation with experts in agricultural work environment hazards and an advisory task force appointed by the commissioner, consisting of three representatives of agricultural employers and three representatives of agricultural employees. The program shall be designed to fulfill the same purposes as training under subdivisions 4b and 4c of this section, but take into account factors unique to farming operations. These factors shall include but not be limited to the fact that many agricultural employees' primary language is Spanish and the fact that many chemicals used by agricultural employers are labeled under the Federal Insecticide, Fungicide, and Rodenticide Act. The commissioner shall complete implementation of this program within 1-1/2 years after the effective date of Laws 1983, chapter 316.

Every employer shall have the right to request that their employees sign statements that they have received appropriate training under this subdivision, once such training has been completed by March 1, 1986.

Sec. 6. Minnesota Statutes 1984, section 182.653, subdivision 4f, is amended to read:

Subd. 4f. Each employer who operates a hospital or clinic shall provide training according to a program developed by the commissioner by rule with approval of the commissioner of health to its employees who are routinely exposed to an infectious agent. The training shall include the information required by the rule for that agent as developed by the commissioner and shall include, if known, names of infectious agents to which the employee is routinely exposed, proper techniques for the employee to avoid self-contamination, and symptoms and effects of contamination. Training shall be provided upon the initial assignment of the employee to a job where that person will be routinely exposed to an infectious agent. Existing inservice, hospital licensure or certification programs which the commissioner determines substantially comply with the rules adopted pursuant to this subdivision may be certified by the commissioner to satisfy all or a part of the rules. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

Infectious agent does not include an agent being developed or regularly utilized by a technically qualified individual in a research, medical research,

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medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. ~~The exemption in this clause does not include an infectious agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process.~~

Employees who have been routinely exposed to an infectious agent prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that infectious agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that infectious agent within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Any technically qualified individual may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals.

Sec. 7. Minnesota Statutes 1984, section 182.654, subdivision 11, is amended to read:

Subd. 11. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but is not limited to a reasonable belief of the employee that the employee has been assigned to work in an unsafe or unhealthful manner with a hazardous substance, harmful physical agent or infectious agent ~~under conditions which are inconsistent with the training or information provided by the employer pursuant to section 182.653, subdivision 4b, clauses (g) or (h), section 182.653, subdivision 4e, clause (f), section 182.653, subdivision 4d, section 182.653, subdivision 4e, section 182.653, subdivision 4f, or section 182.654, subdivision 10.~~

An employer may not discriminate against an employee for a good faith refusal to perform assigned tasks if the employee has requested that the employer correct the hazardous conditions but the conditions remain uncorrected.

An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee, by performing the assigned tasks, would have been placed in imminent danger of death or serious physical harm; ~~or~~ (3) ~~the employee requests the commissioner to inspect and determine if a hazardous condition exists, and~~ (4) ~~the commissioner determines that the employer has~~

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failed to provide the training required under section 182.653, subdivision 4b, 4c, 4d, 4e, or 4f prior to the employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent and the employer has failed to provide the information required under section 182.653, subdivision 4b, 4c, 4d, 4e, or 4f after a request pursuant to section 182.654, subdivision 10 within a reasonable period of time, but not to exceed 24 hours, of the request.

Nothing in this subdivision shall give a technically qualified individual who elects to participate in the training required under section 182.653, subdivisions 4b, 4c, or 4f, the right to refuse to work as provided under this subdivision because his or her employer has failed to provide a training program required under those subdivisions.

Sec. 8. Minnesota Statutes 1984, section 182.655, subdivision 10, is amended to read:

Subd. 10. Any standard adopted under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.

In the case of containers containing a hazardous substance or a harmful physical agent, a label is required as an appropriate form of warning in providing substantially the same information as required under section 182.653, subdivisions 4b, 4c, or 4e. A label may be a coded reference to an appropriate and accessible data sheet containing the information required under section 182.653, subdivisions 4b, 4c, or 4e. When appropriate, a current data sheet may be affixed to or posted in accessible close proximity to a container containing a hazardous substance or a harmful physical agent in satisfaction of standards adopted for labels under this chapter. Containers may be labeled pursuant to federal or state labeling requirements that the commissioner certifies as satisfying the labeling standards adopted under this chapter.

In the case of containers containing a hazardous substance or equipment which generates a harmful physical agent, a label is required as an appropriate form of warning in providing substantially the same information as required under section 182.653, subdivision 4b, 4c, or 4e. As a minimum, a hazardous substance container must be tagged or marked with (a) the identity of the hazardous substance; (b) the appropriate hazard warnings; and (c) the name and address of the chemical manufacturer, importer, or other responsible party.

A label may be a coded reference to an appropriate and accessible data sheet containing the information required under section 182.653, subdivision 4b, 4c, or 4e. When appropriate, a current data sheet may be affixed to, or posted in, accessible close proximity to a container containing a hazardous substance or

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a work area where there is a harmful physical agent in satisfaction of standards adopted for labels under chapter 182. Containers may be labeled pursuant to federal or state labeling requirements that the commissioner certifies as satisfying the labeling standards adopted under this chapter. Specifically, pesticides that are labeled in accordance with the federal insecticide, fungicide and rodenticide act (United States Code, title 7, section 136 et seq.); any food, food additive, color additive, drug, or cosmetic including materials intended for use as ingredients in products labeled in accordance with the requirements of the federal food, drug, and cosmetic act (United States Code, title 21, section 301 et seq.); distilled spirits, (beverage alcohols), wine, or malt beverage labeled in accordance with the federal alcohol administration act (United States Code, title 27, section 201 et seq.); any consumer products as defined in the consumer product safety act (United States Code, title 15, section 2051 et seq.) and labeled in accordance with the requirement of that act; or any hazardous substance as defined in the federal hazardous substances act (United States Code, title 15, section 1261 et seq.) and labeled in accordance with the requirements of that act shall meet the requirements of the labeling standards adopted under chapter 182.

Sec. 9. Minnesota Statutes 1984, section 182.655, subdivision 10a, is amended to read:

Subd. 10a. Where appropriate, standards shall prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by ~~or~~ and at the cost of the employer. The standards shall also provide for monitoring or measuring employee exposure at the locations and intervals and in the manner as may be necessary and appropriate for the protection of employees. Where appropriate, a standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at the employer's cost, to employees exposed to hazards in order to most effectively determine whether the health of those employees is adversely affected by the exposure. The results of these examinations or tests shall be furnished only to the commissioner, the employee's physician, at the request of the employee, and the employer with notice to the employee.

Sec. 10. Minnesota Statutes 1984, section 182.659, is amended by adding a subdivision to read:

Subd. 8. Neither the commissioner nor any employee of the department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection except in enforcement proceedings brought under this chapter. All written information, documentation and reports gathered or prepared by the department pursuant to an occupational safety and health inspection are public information once the departmental inspection file is closed.

Sec. 11. Minnesota Statutes 1984, section 182.661, subdivision 1, is amended to read:

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Subdivision 1. If, after an inspection or investigation, the commissioner issues a citation under section 182.66, he shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has 15 working days within which to notify the commissioner in writing that he wishes to contest the citation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be issued by ~~certified mail~~ mailed to the bargaining representative and, in the case of the death of an employee, to the next of kin if requested and designated representative of the employee if known to the department of labor and industry. If within 15 working days from the receipt of the notice issued by the commissioner the employer fails to notify the commissioner in writing that he intends to contest the citation or proposed assessment of penalty, and no notice contesting either the citation, the type of violation, proposed penalty, or the time fixed for abatement in the citation is filed by any employee or representative of employees under subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the board and not subject to review by any court or agency.

Sec. 12. Minnesota Statutes 1984, section 182.661, is amended by adding a subdivision to read:

Subd. 2a. The commissioner may bring an action in district court for injunctive or other appropriate relief including monetary damages if the employer fails to comply with a final order of the board.

Sec. 13. Minnesota Statutes 1984, section 182.668, subdivision 1, is amended to read:

Subdivision 1. **REGISTRATION.** Subject to the restrictions on the withholding of information pursuant to ~~8 MCAR section 1.7001~~ Minnesota Rules, part 5205.0010, a manufacturer or employer who believes that all or a part of the information required under section 182.653, subdivisions 4a, 4b, 4c, 4e, or 4f or requested under section 182.654, subdivision 10 is a trade secret as defined in section 325C.01, subdivision 5, may register the information with the commissioner as trade secret information.

Sec. 14. Minnesota Statutes 1984, section 182.669, subdivision 1, is amended to read:

Subdivision 1. Any employee who believes that he has been discharged or otherwise discriminated against by any person because such employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as he deems appropriate. If upon such investigation the commissioner determines that

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a discriminatory act was committed against an employee he shall bring an action against the employer in the district court in the county where the alleged discrimination occurred or in a county where the employer transacts business refer the matter to the office of administrative hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. The district court administrative law judge may order rehiring of the employee, reinstatement of his former position, fringe benefits, seniority rights, back pay, recovery of compensatory damages, and reasonable attorney fees, or other appropriate relief. Nothing in this section precludes an employee from bringing an action for relief under this section or any other provision of law.

Sec. 15. **EFFECTIVE DATE.**

The repeal of the small business exemption in section 3 is effective May 25, 1986.

Approved May 17, 1985

CHAPTER 131 — S.F.No. 901

An act relating to human services; increasing incentives for enforcing and collecting child support; requiring child support or maintenance obligors to file address or residence changes; amending Minnesota Statutes 1984, sections 256.74, subdivisions 1 and 5; 256.87, subdivisions 1a and 3; 257.58, subdivision 1; 518.55, by adding a subdivision; 518.551, subdivision 7; 518.611, subdivisions 2, 3, 4, and 6, and by adding a subdivision; 518.645; 543.20; repealing Minnesota Statutes 1984, section 257.62, subdivision 4.

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

Section 1. Minnesota Statutes 1984, section 256.74, subdivision 1, is amended to read:

Subdivision 1. **AMOUNT.** The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for the dependent child shall be determined by the county agency in accordance with rules promulgated by the commissioner and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health. The amount shall be based on the method of budgeting required in Public Law No. 97-35, Section 2315, 42 U.S.C. 602, as amended and federal regulations at 45 C.F.R. Section 233. In making its determination the county agency shall disregard the following from family income:

(1) All of the earned income of each dependent child receiving aid to families with dependent children who is a full-time student or part-time student,

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