

Subd. 3. **LIMITATIONS.** The protections of subdivision 2 do not apply to work absences due to isolation or quarantine for periods longer than 21 consecutive work days. However, absences due to isolation or quarantine for periods longer than 21 consecutive work days resulting in loss of employment shall be treated for purposes of unemployment compensation in the same manner as loss of employment due to a serious illness.

Sec. 6. [144.4197] EMERGENCY VACCINE ADMINISTRATION AND LEGEND DRUG DISPENSING.

(a) When a mayor, county board chair, or legal successor to such official has declared a local emergency under section 12.29 or the governor has declared an emergency under section 12.31, subdivision 1 or 2, the commissioner of health may authorize any person, including, but not limited to, any person licensed or otherwise credentialed under chapters 144E, 147 to 148, 150A, 151, 153, or 156, to administer vaccinations or dispense legend drugs if the commissioner determines that such action is necessary to protect the health and safety of the public. The authorization shall be in writing and shall contain the categories of persons included in the authorization, any additional training required before performance of the vaccination or drug dispensing by such persons, any supervision required for performance of the vaccination or drug dispensing, and the duration of the authorization. The commissioner may, in writing, extend the scope and duration of the authorization as the emergency warrants. Any person authorized by the commissioner under this section shall not be subject to criminal liability, administrative penalty, professional discipline, or other administrative sanction for good faith performance of the vaccination or drug dispensing duties assigned according to this section.

(b) This section expires August 1, 2009.

Sec. 7. Laws 2002, chapter 402, section 21, as amended by Laws 2004, chapter 279, article 11, section 7, is amended to read:

Sec. 21. SUNSET.

Sections 1 to 49, 2, 5, 10, and 11 expire August 1, 2005.

Sec. 8. EFFECTIVE DATE.

Section 7 is effective the day following final enactment.

Presented to the governor May 31, 2005

Signed by the governor June 2, 2005, 2:00 p.m.

CHAPTER 150—H.F.No. 1555

An act relating to health; modifying the Minnesota Emergency Health Powers Act; modifying authority of out-of-state license holders; providing for emergency executive order;

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amending Minnesota Statutes 2004, sections 12.03, subdivision 4d, by adding a subdivision; 12.22, subdivision 2a, by adding a subdivision; 12.31, subdivisions 1, 2; 12.32; 12.34, subdivision 1; 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 12.

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

Section 1. Minnesota Statutes 2004, section 12.03, is amended by adding a subdivision to read:

Subd. 1e. **DECLARED EMERGENCY.** “Declared emergency” means a national security or peacetime emergency declared by the governor under section 12.31.

Sec. 2. Minnesota Statutes 2004, section 12.03, subdivision 4d, is amended to read:

Subd. 4d. **FACILITY.** “Facility” means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation. Facility does not include a private residence but may include a licensed health care facility only when other alternatives are not feasible.

Sec. 3. Minnesota Statutes 2004, section 12.22, subdivision 2a, is amended to read:

Subd. 2a. **VOLUNTEER ASSISTANCE PROTECTIONS.** (a) Individuals who volunteer to assist a local political subdivision during an emergency or disaster, who register with that subdivision, and who are under the direction and control of that subdivision, are considered an employee of that subdivision for purposes of workers' compensation and tort claim defense and indemnification.

(b) Individuals who volunteer to assist the state during an emergency or disaster, who register with a state agency, and who are under the direction and control of the state agency are considered an employee of the state for purposes of workers' compensation and tort claim defense and indemnification.

Sec. 4. Minnesota Statutes 2004, section 12.22, is amended by adding a subdivision to read:

Subd. 4. **OTHER LAW PRESERVED.** Nothing in this chapter shall be construed to remove any immunity from, defense to, or limitation on liability provided by the Minnesota Tort Claims Act, the Municipal Tort Claims Act, or other law.

Sec. 5. Minnesota Statutes 2004, section 12.31, subdivision 1, is amended to read:

Subdivision 1. **DECLARATION OF NATIONAL SECURITY EMERGENCY.** When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States, which means the several states, the District of Columbia, and the Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major disaster or public health emergency from enemy sabotage or other hostile action, the

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governor may, by proclamation, declare that a national security emergency exists in all or any part of the state. If the legislature is then in regular session or, if it is not, if the governor concurrently with the proclamation declaring the emergency issues a call convening immediately both houses of the legislature, the governor may exercise for a period not to exceed 30 days the powers and duties conferred and imposed by sections 12.31 to 12.37 and 12.381. The lapse of these emergency powers does not, as regards any act occurring or committed within the 30-day period, deprive any person, political subdivision, municipal corporation, or body politic of any right to compensation or reimbursement that it may have under this chapter.

Sec. 6. Minnesota Statutes 2004, section 12.31, subdivision 2, is amended to read:

Subd. 2. **DECLARATION OF PEACETIME EMERGENCY.** (a) The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. If the peacetime emergency occurs on Indian lands, the governor or state director of emergency management shall consult with tribal authorities before the governor makes such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action. When the governor declares a peacetime emergency, the governor must immediately notify the majority and minority leaders of the senate and the speaker and majority and minority leaders of the house of representatives. A peacetime emergency must not be continued for more than five days unless extended by resolution of the Executive Council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

(b) This paragraph applies to a peacetime emergency declared as a result of a public health emergency. If the legislature is sitting in session at the time of the emergency declaration, the governor may exercise the powers and duties conferred by this chapter for the period allowed under paragraph (a). If the legislature is not sitting in session when a peacetime emergency is declared or renewed, the governor may exercise the powers and duties conferred by this chapter for the period allowed under paragraph (a) only if the governor issues a call convening both houses of the legislature at the same time the governor declares or renews the peacetime emergency. By majority vote of each house of the legislature, the legislature may terminate a peacetime emergency extending beyond 30 days. If the governor determines a need to extend the peacetime emergency declaration beyond 30 days and the legislature is not sitting in session, the governor must issue a call immediately convening both houses of the legislature. Nothing in this section limits the governor's authority over or command of the National Guard as described in the Military Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section 3.

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Sec. 7. Minnesota Statutes 2004, section 12.32, is amended to read:

12.32 GOVERNOR'S ORDERS AND RULES, EFFECT.

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the Executive Council and filed in the Office of the Secretary of State, have, during a national security emergency, peacetime emergency ~~declared due to a public health emergency~~, or energy supply emergency, the full force and effect of law. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists.

Sec. 8. Minnesota Statutes 2004, section 12.34, subdivision 1, is amended to read:

Subdivision 1. **EMERGENCY POWERS.** When necessary to save life, property, or the environment during a national security emergency or during a peacetime emergency ~~declared due to a public health emergency~~, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may:

(1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency management purposes as directed by any of the persons described above; and

(2) commandeer, for emergency management purposes as directed by any of the persons described above, any motor vehicles, tools, appliances, medical supplies, or other personal property and any facilities.

Sec. 9. Minnesota Statutes 2004, section 12.381, is amended to read:

12.381 SAFE DISPOSITION OF DEAD HUMAN BODIES.

Subdivision 1. **POWERS FOR SAFE DISPOSITION.** Notwithstanding chapter 149A and Minnesota Rules, chapter 4610, in connection with deaths related to a ~~public health declared emergency and during a national security emergency declared due to a public health emergency or peacetime emergency declared due to a public health emergency~~, the governor may:

(1) direct measures to provide for the safe disposition of dead human bodies as may be reasonable and necessary for emergency response. Measures may include, but are not limited to, transportation, preparation, temporary mass burial and other interment, disinterment, and cremation of dead human bodies. Insofar as the emergency circumstances allow, the governor shall respect the religious rites, cultural customs, family wishes, and predeath directives of a decedent concerning final disposition. The governor may limit visitations or funeral ceremonies based on public health risks;

(2) consult with coroners and medical examiners, take possession or control of any dead human body, and order an autopsy of the body; and

(3) request any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, or otherwise provide for disposition of a dead human body under the

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laws of this state to accept any dead human body or provide the use of its business or facility if the actions are reasonable and necessary for emergency management purposes and are within the safety precaution capabilities of the business or facility.

Subd. 2. **IDENTIFICATION OF BODIES; DATA CLASSIFICATION.** (a) A person in charge of the body of a person believed to have died due to a public health declared emergency shall maintain a written record of the body and all available information to identify the decedent, the circumstances of death, and disposition of the body. If a body cannot be identified, a qualified person shall, prior to disposition and to the extent possible, take fingerprints and one or more photographs of the remains and collect a DNA specimen from the body.

(b) All information gathered under this subdivision, other than data required for a death certificate under Minnesota Rules, part 4601.2550, shall be death investigation data and shall be classified as nonpublic data according to section 13.02, subdivision 9, or as private data on decedents according to section 13.10, subdivision 1. Death investigation data are not medical examiner data as defined in section 13.83. Data gathered under this subdivision shall be promptly forwarded to the commissioner of health. The commissioner may only disclose death investigation data to the extent necessary to assist relatives in identifying decedents or for public health or public safety investigations.

Sec. 10. Minnesota Statutes 2004, section 12.39, is amended to read:

12.39 INDIVIDUAL TESTING OR TREATMENT; NOTICE, REFUSAL, CONSEQUENCE.

Subdivision 1. **REFUSAL OF TREATMENT.** Notwithstanding laws, rules, or orders made or promulgated in response to a national security emergency, ~~or peacetime emergency, or public health emergency,~~ individuals have a fundamental right to refuse medical treatment, testing, physical or mental examination, vaccination, participation in experimental procedures and protocols, collection of specimens, and preventive treatment programs. An individual who has been directed by the commissioner of health to submit to medical procedures and protocols because the individual is infected with or reasonably believed by the commissioner of health to be infected with or exposed to a toxic agent that can be transferred to another individual or a communicable disease, and the agent or communicable disease is the basis for which the national security emergency, or peacetime emergency, ~~or public health emergency~~ was declared, and who refuses to submit to them may be ordered by the commissioner to be placed in isolation or quarantine according to parameters set forth in sections 144.419 and 144.4195.

Subd. 2. **INFORMATION GIVEN.** ~~Where feasible,~~ Before performing examinations, testing, treatment, or vaccination of an individual under subdivision 1, a health care provider shall notify the individual of the right to refuse the examination, testing, treatment, or vaccination, and the consequences, including isolation or quarantine, upon refusal.

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Sec. 11. Minnesota Statutes 2004, section 12.42, is amended to read:

12.42 OUT-OF-STATE LICENSE HOLDERS; POWERS, DUTIES.

During ~~an~~ a declared emergency or disaster, a person who holds a license, certificate, or other permit issued by a state of the United States, the District of Columbia, or a province of Canada evidencing the meeting of qualifications for professional, mechanical, or other skills, may render aid involving those skills in this state when such aid is requested by the governor to meet the needs of the emergency. The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in this state, subject to such limitations and conditions as the governor may prescribe.

Sec. 12. [12.61] HOSPITAL OR MEDICAL TRANSPORT CAPACITIES EXCEEDED; RESPONDER LIABILITY LIMITATION.

Subdivision 1. DEFINITIONS. For purposes of this section:

(1) "emergency plan" includes:

(i) any plan for managing an emergency threatening public health developed by the commissioner of health or a local public health agency;

(ii) any plan for managing an emergency threatening public health developed by one or more hospitals, clinics, nursing homes, or other health care facilities or providers and approved by the commissioner of health or local public health agency in consultation with emergency management officials; or

(iii) any provision for assistance by out-of-state responders under interstate or international compacts, including but not limited to the Emergency Management Assistance Compact.

(2) "regional hospital system" means all hospitals in one of the hospital bioterrorism preparedness program geographic regions of the state set forth in the most recent hospital preparedness plan available on the Department of Health Web site at www.health.state.mn.us/ocp; and

(3) "responder" means any person or organization whether paid or volunteer that provides health care or other health-related services in an emergency including, but not limited to, physicians, physician assistants, registered and other nurses, certified nursing assistants, or other staff within a health care provider organization, pharmacists, chiropractors, dentists, emergency medical technicians, members of a specialized medical response unit, laboratory technicians, morticians, registered first responders, mental health professionals, hospitals, nursing and boarding care facilities, home health care agencies, other long-term care providers, medical and dental clinics, and medical laboratories and including, but not limited to, ambulance service personnel and dispatch services and persons not registered as first responders but affiliated with a medical response unit and dispatched to the scene of an emergency by a public safety answering point or licensed ambulance service.

Subd. 2. EMERGENCY EXECUTIVE ORDER. (a) During a national security emergency or a peacetime emergency declared under section 12.31, the governor may issue an emergency executive order upon finding that the number of seriously ill or injured persons exceeds the emergency hospital or medical transport capacity of one or

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more regional hospital systems and that care for those persons has to be given in temporary care facilities.

(b) During the effective period of the emergency executive order, a responder in any impacted region acting consistent with emergency plans is not liable for any civil damages or administrative sanctions as a result of good-faith acts or omissions by that responder in rendering emergency care, advice, or assistance. This section does not apply in case of malfeasance in office or willful or wanton actions.

Sec. 13. Minnesota Statutes 2004, section 13.3806, subdivision 1a, is amended to read:

Subd. 1a. **DEATH INVESTIGATION DATA.** Data gathered by the commissioner of health to identify the body of a person believed to have died due to a public health declared emergency as defined in section 12.03, subdivision 9a 1e, the circumstances of death, and disposition of the body are classified in and may be released according to section 12.381, subdivision 2.

Sec. 14. Laws 2002, chapter 402, section 21, as amended by Laws 2004, chapter 279, article 11, section 7, is amended to read:

Sec. 21. **SUNSET.**

Sections 1 to 49, 2, 5, 10, and 11 expire August 1, 2005.

Sec. 15. **EFFECTIVE DATE.**

Section 14 is effective the day following final enactment.

Presented to the governor May 31, 2005

Signed by the governor June 3, 2005, 8:05 a.m.

CHAPTER 151—H.F.No. 2228

An act relating to financing and operation of government in this state; recodifying and clarifying the powers of the commissioner of revenue; changing income, corporate franchise, withholding, estate, property, sales and use, mortgage registry, motor fuels, gambling, cigarette and tobacco products, liquor, insurance, and other taxes and tax-related provisions; making technical, clarifying, collection, enforcement, refund, and administrative changes to certain taxes and tax-related provisions, tax-forfeited lands, revenue recapture, unfair cigarette sales, state debt collection, sustainable forest incentive programs, border city development, property tax refund, and metropolitan solid waste landfill fee; changing local government aids and credits; providing for determination of population for certain purposes; changing property tax exemptions, homesteads, assessment, valuation, classification, levies, deferral, review and equalization, appeals, notices and statements, allocation, and distribution provisions; changing provisions relating to manufactured home certificates of title; providing for compliance with streamlined sales tax agreement; authorizing charges for certain emergency services; regulating tax preparers; prohibiting purchases of tax-forfeited lands by certain local officials; providing for

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