

CHAPTER 167--S.F.No. 3102

An act relating to health; changing isolation and quarantine provisions; amending Minnesota Statutes 2016, sections 144.419, subdivision 1; 144.4196, subdivisions 1, 2.

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

Section 1. Minnesota Statutes 2016, section 144.419, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 144.419 to 144.4196, the following definitions apply:

(1) "bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population;

(2) "communicable disease" means a disease ~~caused by a living organism or virus and believed to be caused by bioterrorism or a new or novel or previously controlled or eradicated infectious agent or biological toxin~~ that can be transmitted person to person and for which isolation or quarantine is an effective control strategy, ~~excluding~~ including:

(i) viral hemorrhagic fevers;

(ii) severe acute respiratory syndromes;

(iii) influenza that can cause a pandemic;

(iv) a disease caused by bioterrorism;

(v) a new or novel or previously controlled or eradicated infectious agent or biological toxin; or

(vi) any communicable disease included in the list of quarantinable communicable diseases as authorized by section 361(b) of the Public Health Service Act, United States Code, title 42, section 264(b).

Communicable disease excludes a disease that is directly transmitted as defined under section 144.4172, subdivision 5;

(3) "isolation" means separation, during the period of communicability, of a person infected with a communicable disease, in a place and under conditions so as to prevent direct or indirect transmission of an infectious agent to others; and

(4) "quarantine" means restriction, during a period of communicability, of activities or travel of an otherwise healthy person who likely has been exposed to a communicable disease to prevent disease transmission during the period of communicability in the event the person is infected.

Sec. 2. Minnesota Statutes 2016, section 144.4196, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section:

(1) "qualifying employee" means a person who performs services for hire in Minnesota and who has been subject to isolation or quarantine, or has responsibility for the care of a person under subdivision 2 who is subject to isolation or quarantine, for a communicable disease as defined in section 144.419, subdivision 1, clause (2). The term applies to persons who comply with isolation or quarantine restrictions because of:

- (i) a commissioner's directive;
 - (ii) an order of a federal quarantine officer;
 - (iii) a state or federal court order; or
 - (iv) a written recommendation of the commissioner or designee that the person enter isolation or quarantine; and
- (2) "employer" means any person having one or more employees in Minnesota and includes the state and any political subdivision of the state.

Sec. 3. Minnesota Statutes 2016, section 144.4196, subdivision 2, is amended to read:

Subd. 2. **Protections.** (a) An employer shall not discharge, discipline, threaten, or penalize a qualifying employee, or otherwise discriminate in the work terms, conditions, location, or privileges of the employee, because the employee:

- (1) has been in isolation or quarantine; or
- (2)(i) is not in isolation or quarantine, but has responsibility for the care of a person in isolation or quarantine who is a minor or an adult family member who is a disabled or vulnerable adult; and
- (ii) has assumed responsibility for all or a portion of the care voluntarily, by contract, or by agreement.

(b) A qualifying employee claiming a violation of paragraph (a) may bring a civil action for recovery of lost wages or benefits, for reinstatement, or for other relief within 180 days of the claimed violation or 180 days of the end of the isolation or quarantine, whichever is later. A qualifying employee who prevails shall be allowed reasonable attorney fees fixed by the court.

(c) Nothing in this subdivision is intended to alter sick leave or sick pay terms of the employment relationship.

Presented to the governor May 16, 2018

Signed by the governor May 19, 2018, 4:48 p.m.