142B.68 VIDEO SECURITY CAMERAS IN CHILD CARE CENTERS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Facility" means the indoor space in which child care is provided that is owned, leased, or operated by a licensed child care center and does not include any outdoor space.

(c) "Video security camera" means a closed-circuit video camera or other closed circuit device that captures or records video.

Subd. 2. **Applicability.** Beginning July 1, 2026, a licensed child care center must have video security cameras in public and shared areas of its facility as provided under subdivision 3 and comply with the requirements of this section if the center is required to post a maltreatment investigation memorandum under section 142B.16, subdivision 5, or 142B.18, subdivision 6. A center must comply with the requirements under this section within six months of when the maltreatment investigation memorandum is posted and must maintain compliance for four years after the memorandum is required to be posted.

Subd. 3. **Requirements for video security cameras.** (a) A licensed child care center must have at least one video security camera in each room designated for infants or toddlers. The camera must be positioned to provide maximum visibility of the room. If one camera is not sufficient to view at least 80 percent of the square footage of the room, the center must place an additional camera or cameras in the room to achieve maximum visibility of the room.

(b) The video security cameras must:

(1) be turned on and recording at all times the licensed child care center is in operation;

(2) record and display the accurate date and time;

(3) have a display resolution of 720p or higher; and

(4) have a frames per second rate of 15 or higher.

(c) A licensed child care center is exempt from having cameras that meet the requirements under paragraph (b), clauses (3) and (4), if the center has cameras as required in paragraph (a) prior to July 1, 2026.

Subd. 4. **Retention and disposal of recordings; access to recordings.** (a) A licensed child care center must retain video security camera recordings for 28 calendar days after the date of the recording. Except as provided under paragraphs (b), (c), and (d), a licensed child care center must dispose of video security camera recordings after 28 calendar days.

(b) A licensed child care center that receives notice from a law enforcement official of a suspected crime committed against a child at the center may not dispose of any video security camera recordings until the law enforcement investigation of the suspected crime is complete.

(c) A licensed child care center must retain video security camera recordings related to an incident that the center must report to the commissioner under Minnesota Rules, part 9503.0130, for six months from the date of the incident.

(d) A licensed child care center may retain video security camera recordings to use for training center employees. Any recordings used for training purposes must redact, as defined under section 13.825, subdivision 1, identifying information on children shown or heard in the recording, unless a parent or legal

guardian has provided written consent that the center may use unredacted recordings of the parent's or guardian's child.

(e) A licensed child care center must adhere to additional requirements issued by the commissioner regarding retention and disposal of video security camera recordings.

(f) A licensed child care center must establish appropriate security safeguards for video security camera recordings, including procedures for ensuring that the recordings are only accessible to persons whose work assignment reasonably requires access to the recordings, and are only accessed by those persons for purposes described in the procedure. All queries and responses and all actions in which the recordings are accessed, shared, or disseminated must be recorded, including the day and time of the action and who was involved in the action. Data created pursuant to this paragraph are subject to the same requirements as the underlying recording under this section.

Subd. 5. **Dissemination of recordings.** (a) A licensed child care center must not sell, share, transmit, or disseminate a video security camera recording to any person except as authorized by this subdivision.

(b) A child care center must disseminate a video security camera recording pursuant to a valid court order, search warrant, or subpoena in a civil, criminal, or administrative proceeding, including an investigation by the commissioner.

(c) An employee of a licensed child care center who is the subject of proposed disciplinary action by the center based upon evidence obtained by a video security camera must be given access to that evidence for purposes of defending against the proposed action. An employee who obtains a recording or a copy of the recording must treat the recording or copy confidentially and must not further disseminate it to any other person except as required under law. The employee must not keep the recording or copy or a portion of the recording or copy after the recording is no longer needed for purposes of defending against a proposed action.

Subd. 6. **Exception.** Notwithstanding the requirement to have closed-circuit video security cameras under this section and subdivision 5, paragraph (a), a licensed child care center that, as of July 1, 2026, provided remote viewing of video footage for parents and legal guardians may continue to do so in the same manner.

Subd. 7. **Hold harmless.** (a) The commissioner may not issue a fix-it ticket, correction order, or order of conditional license against a child care center license holder for a licensing violation that does not imminently endanger the health or safety of the children served by the center, if the only source of evidence for the violation is video security camera recordings reviewed as part of an investigation under subdivision 5, paragraph (b). This paragraph expires upon implementation of the child care weighted risk system under section 142B.171. The commissioner shall notify the revisor of statutes when the system has been implemented.

(b) Upon implementation of the child care weighted risk system under section 142B.171, the commissioner may not take a licensing action against a child care center license holder for a violation that counts as 6.5 or below for a child care center in the weighted risk system, if the only source of evidence for the violation is video security camera recordings reviewed as part of an investigation under subdivision 5, paragraph (b).

Subd. 8. **Written policy required.** A licensed child care center must have a written policy on the center's use of video security cameras that includes the following:

(1) the days and times the video security cameras in the facility are in use;

(2) the locations of all areas monitored by video security cameras in the facility;

(3) the center's retention and disposal policies and procedures for the video security camera recordings;

(4) the center's policies governing access to the video security camera recordings; and

(5) the center's security safeguards and procedures regarding employee access to the recordings.

Subd. 9. **Notices.** (a) A licensed child care center must notify all parents and legal guardians who apply to enroll or enroll a child in the center about the use of video security cameras in the facility. At the time of a child's enrollment, the center must provide parents and legal guardians with the video security camera policy required under subdivision 8.

(b) A licensed child care center must post a sign at each facility entrance accessible to visitors that states: "Video security cameras are present to record persons and activities."

Subd. 10. **Data practices.** Video footage collected or maintained by the commissioner under this section is classified as welfare data under section 13.46.

History: *1Sp2025 c 3 art 13 s 3*