300.79 PROHIBITION ON DECEPTIVE BUSINESS MAILINGS.

Subdivision 1. **Definition.** For purposes of this section, "solicitation" means a communication that is sent by a nongovernment third party to a business and that purports to:

(1) notify the business of an operating requirement, including but not limited to filing documents with or retrieving documents from the Office of the Secretary of State; or

(2) offer a service that relates to filing documents with, producing documents for, or reporting information to the Office of the Secretary of State.

Subd. 2. **Design and content requirements.** (a) A solicitation must:

(1) include a clear statement indicating that the solicitation is an advertisement and is not from a government agency. The statement must be placed at the top of a physical document or the beginning of an electronic communication and must be in at least 24-point font. All other text in the document must be smaller than the statement required by this clause;

(2) provide information indicating where an individual is able to directly file documents with the secretary of state or retrieve copies of public records;

(3) disclose the name and physical address of the company sending the solicitation. The physical address must not be a post office box; and

(4) for a mailed solicitation, prominently display in capital letters on the envelope or outer wrapper the words "THIS IS NOT A GOVERNMENT DOCUMENT."

(b) The overall design and language of a solicitation must not:

(1) create the impression that the solicitation is an official government notice or document;

(2) incorporate the Minnesota state seal or other logo or branding of the state or any state agency; or

(3) indicate or imply a legal duty to act on the solicitation or a penalty for failure to act on the solicitation.

Subd. 3. **Penalties.** (a) A person who sends a solicitation that does not comply with the requirements of this section is guilty of a misdemeanor.

(b) A violation of this section is a violation of sections 325D.43 to 325D.48.

History: *2025 c 39 art 5 s 13*