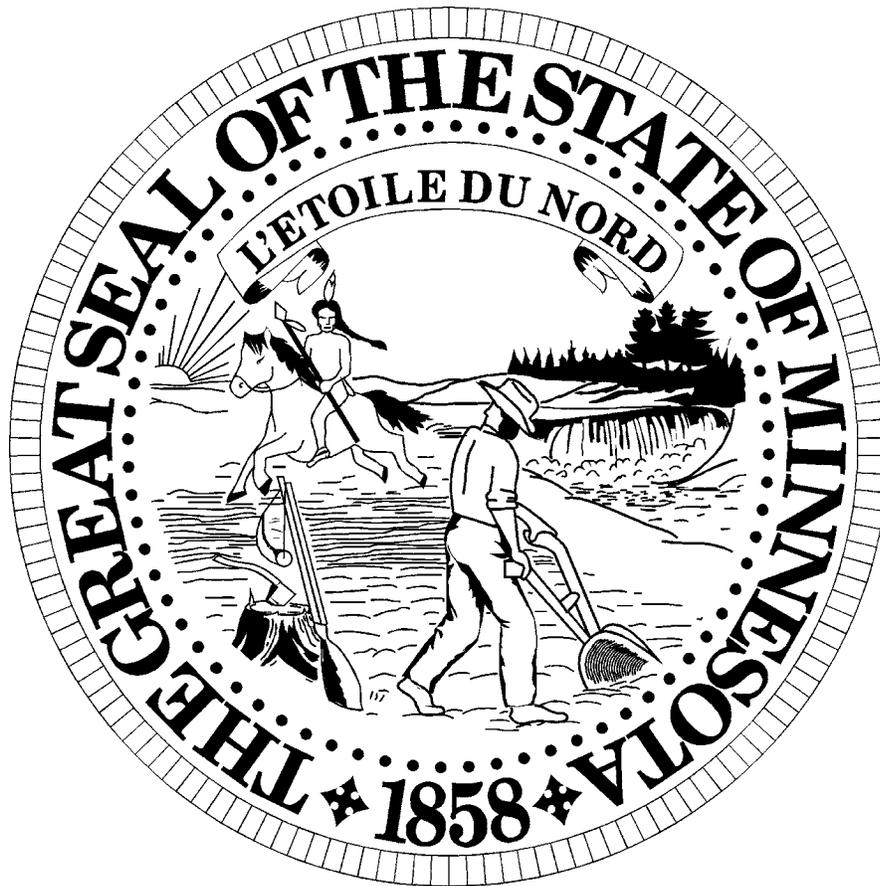


# Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,  
Contracts and Grants**

**Monday 16 August 2021  
Volume 46, Number 7  
Pages 133 - 170**

# Minnesota State Register

## Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 46 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#8	Monday 23 August	Noon Tuesday 17 August	Noon Thursday 12 August
#9	Monday 30 August	Noon Tuesday 24 August	Noon Thursday 19 August
#10	Tuesday 7 September	Noon Tuesday 31 August	Noon Thursday 26 August
#11	Monday 13 September	Noon Tuesday 7 September	Noon Thursday 2 September

**PUBLISHING NOTICES:** We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

**SUBSCRIPTION SERVICES:** E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

SEE THE Minnesota State Register free at website: <http://www.mn.gov/admin/bookstore/register.jsp>

- Minnesota State Register: Online subscription – \$180, includes links, index, special section "CONTRACTS & GRANTS," with Sidebar Table of Contents, Early View after 4:00 pm Friday (instead of waiting for early Monday), and it's sent to you via E-mail.
- Single issues are available electronically via PDF for free.
- "Affidavit of Publication" includes a notarized "Affidavit" and a copy of the issue: \$15.00.

**Governor: Tim Walz**  
(651) 201-3400

**Lieutenant Governor:**  
**Peggy Flanagan**  
(651) 201-3400

**Commissioner:**  
**Alice Roberts-Davis**  
(651) 201-2601

**Facilities Management**  
**Division: Christopher A.**

**Guevin**  
(651) 201-2350

**Attorney General:**  
**Keith Ellison (651) 296-3353**

**Auditor: Julie Blaha**  
(651) 296-2551

**Secretary of State: Steve**  
**Simon (651) 296-2803**

**Editor: Sean Plemmons**  
(651) 201-3204  
sean.plemmons@state.mn.us

Copyright © 2021 Facilities Management Division, Department of Administration, State of Minnesota.  
USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE MINNESOTA STATE REGISTER IS PUBLISHED by Facilities Management Division, Department of Administration, State of Minnesota, pursuant to Minnesota Statutes § 14.46 and is available on-line at: <http://www.mn.gov/admin/bookstore/register.jsp>

## Minnesota Legislative Information

### Senate Public Information Office

(651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
<https://www.senate.mn/>

### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

### House Public Information Services

(651) 296-2146  
State Office Building, Room 175  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office – Fax: (202) 512-1262  
<https://www.federalregister.gov/>

<b>Minnesota Rules: Amendments and Additions</b> .....136	<b>Department of Agriculture</b>
	<b>Farm Advocate Program</b>
	Notice of Requests for Proposals for Minnesota Farm Advocates ..... 164
<b>Proposed Rules</b>	<b>Minnesota State Colleges and Universities (Minnesota State)</b>
<b>Department of Commerce</b>	Non-Construction Related Bid and Contracting Opportunities ..... 165
<b>Insurance Division</b>	<b>Lake Superior College</b>
Proposed Permanent Rules Relating to Pharmacy Benefit Management; Notice of Hearing..... 137	Request for Bid for Low Voltage Lab Equipment ..... 165
<b>Executive Orders</b>	<b>Normandale Community College</b>
<b>Office of the Governor</b>	Request for Proposals – Comprehensive Facilities Plan ..... 166
Emergency Executive Order 21-29: Providing Assistance to the Minnesota Interagency Fire Center ..... 149	Request for Proposals for Predesign Services for – Library Building..... 166
<b>Exempt Rules</b>	<b>Rochester Community and Technical College</b>
<b>Department of Agriculture</b>	Notice of Request for Bid for Snow Plowing and Hauling Services ..... 166
Adopted Temporary Exempt Rules Relating to the Commercial Production of Hemp..... 150	<b>Board of Cosmetologist Examiners (BCE)</b>
<b>Department of Human Services</b>	Request for Proposals for an Infection Control Course Provider ..... 167
Adopted Exempt Permanent Rules Relating to Dialectical Behavior Therapy ..... 162	<b>Minnesota Historical Society (MNHS)</b>
<b>Official Notices</b>	Request for Bids for Landscape Interpretive Signage at Historic Fort Snelling..... 167
<b>Executive Council, State Board of Investment, Land Exchange Board</b>	Request for Proposals for Website Rebuild for the Minnesota Historical Society ..... 168
Official Meeting Notice..... 163	<b>Minnesota Department of Transportation (MnDOT)</b>
<b>Minnesota Historical Society (MNHS)</b>	<b>Engineering Services Division</b>
Notice to Solicit Nominees to Historic Resources Advisory Committee ..... 163	Notices Regarding Professional/Technical (P/T) Contracting ..... 168
<b>State Grants &amp; Loans</b>	<b>Non-State Public Bids, Contracts &amp; Grants</b>
<b>Department of Employment and Economic Development (DEED)</b>	<b>Anderson Center for Interdisciplinary Studies, Inc.</b>
Notice of Grant Opportunity ..... 164	Request for Proposals - Historic Water Tower Balcony Painting Restoration..... 169
<b>State Contracts</b>	<b>Metropolitan Airports Commission (MAC)</b>
<b>Department of Administration</b>	Notice of Call for Bids for 2021 Miscellaneous Airfield Construction Phase 2 - Airfield Sign Modifications ..... 169
Notice of Call for Bids for Sale of Property ..... 164	



# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

**Volume 45 - Minnesota Rules**  
 (Rules Appearing in Vol. 45 Issues #27-52 are  
 in Vol. 45, #52 - Monday 28 June 2021)

**Department of Revenue**  
 8160.0620 (adopted exempt)..... 32

**Volume 46, #7**

**Tuesday 6 July - Monday 16 August**

<b>Department of Agriculture</b>	
1565 (adopted temporary exempt).....	149
<b>Department of Commerce</b>	
7601 (proposed).....	61
2737 (proposed).....	137
<b>Department of Health</b>	
4659 (adopted).....	33
<b>Office of Higher Education</b>	
4850 (proposed).....	77
<b>Department of Human Services</b>	
9505.0372 (adopted exempt).....	161
<b>Department of Labor and Industry</b>	
5205.0010 (adopted exempt).....	31
<b>Department of Natural Resources</b>	
6230; 6240 (expedited emergency).....	91
6230; 6234; 6236; 6240 (expedited emergency).....	101
6232.4300; .4400; .4500 (expedited emergency).....	119
<b>Pollution Control Agency</b>	
7050.0222; .0224; 7053.0260; .0263 (adopted).....	5
7023.0150; .0200; .0250; .0300 (adopted).....	66
<b>Racing Commission</b>	
7877.0130; .0170; .0180; 7890.0100; .0110; .0120; .0130; .0160 (adopted).....	6

# Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Commerce

### Insurance Division

#### Proposed Permanent Rules Relating to Pharmacy Benefit Management; Notice of Hearing

**Proposed Rules Governing Pharmacy Benefits Management (PBM) Licensure and Regulation, *Minnesota Rules*, Chapter 2737; Revisor’s ID Number R-04625, OAH docket number 21-9009-37561**

**Overview.** This notice is the Minnesota Department of Commerce’s (Commerce) legal notice of its intent to adopt new rules following a hearing. The purpose of these rules is to provide industry and other stakeholders with clarity and predictability in the enforcement of the PBM law passed in 2019.

This notice provides you the opportunity to submit your comments on this rule to the Administrative Law Judge (ALJ) either orally at the hearing or in writing at any time before the close of the hearing record. The **Subject of Rules** section provides further description of these proposed rules. If the proposed rules affect you in any way, the Commerce encourages you to participate in the rulemaking process.

View the **Alternative Format/Accommodation** and **Commerce Contact Person** sections of this notice for information on requesting this document in an alternative format.

**Public Hearing.** The Department of Commerce intends to adopt rules after a public hearing following the

# Proposed Rules

---

---

procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. On Monday, September 20, 2021, starting at 9:00am CST and continuing until 5:00pm CST, the agency will hold a remote public hearing on the above-named rules, for video and audio connection to the virtual hearing, join through an internet connection, such as with a computer or tablet:

Enter: <https://minnesota.webex.com>

Meeting number: 146 559 7572

Meeting password: PyPHa54thb7

For audio connection only, join the hearing by phone:

Call: 1-415-655-0003

Access code: 146 559 7572

The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Additional information regarding the hearings and the rules being proposed is provided at <http://mn.gov/commerce/policy-data-reports/rulemaking/index.jsp?id=17-412841>. Hearing exhibits will also be posted to this website before the hearing.

**Administrative Law Judge.** Administrative Law Judge Kimberly Middendorf will conduct the hearing. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge. Judge Middendorf's Legal Assistant Michelle Severson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and fax 651-539-0310 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us).

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules would be a new chapter and are about the licensure and regulation of PBMs. The proposed rules are authorized by Section 20 of Minnesota Session Laws – 2019, Regular Session, Chapter 39 (codified in Minnesota Statutes, chapter 62W). The rules provide processes, forms and procedures for initial PBM licensure, license renewal, PBM data reporting, PBM business practices, as well as enforcement of the statute by Commerce.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed and is available at the agency's website at <http://mn.gov/commerce/policy-data-reports/rulemaking/index.jsp?id=17-412841>. A print copy is available for the cost of reproduction by contacting the agency contact person named below.

A copy of Statement of Need and Reasonableness (SONAR) is available at the agency's website at <http://mn.gov/commerce/policy-data-reports/rulemaking/index.jsp?id=17-412841>. The SONAR summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A print copy is available for the cost of reproduction by contacting the agency contact person named below.

The agency contact person is: Andrew Kleinendorst ([andrew.kleinendorst@state.mn.us](mailto:andrew.kleinendorst@state.mn.us)), 651-539-1500; 85 7th Place East, Suite 280, Saint Paul, MN 55101.

If you wish to be placed on Commerce's rulemaking interested party mailing list, please contact the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Please submit written comments to

---

---

# Proposed Rules

the administrative law judge via the Office of Administrative Hearings Rulemaking eComments website <https://minnesotaoah.granicusideas.com/discussions>. If it is not possible for you to use the eComments website, you may submit your written comments in person, by U.S. mail, or by fax to the judge using the contact information contained in the Administrative Law Judge section of this notice. Any comments or materials that you present or submit must relate to the proposed rules.

After the hearing, you may submit written comments to the administrative law judge using the eComments website (the preferred method) or by mail, fax, or personal delivery. These comments must be submitted within five working days after the hearing date. At the hearing, the administrative law judge may order this five-day comment period be extended for no more than 20 calendar days.

After the comment period ends, there is an additional five-working-day rebuttal period during which Commerce and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period.

All comments and responses must be submitted no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at <https://minnesotaoah.granicusideas.com/discussions>.

You may learn more about the OAH Rulemaking eComments website, including step-by-step instructions and frequently asked questions at <https://mn.gov/oah/forms-and-filing/ecomments/>. Questions about submitting comments via the OAH Rulemaking eComments website should be directed to the OAH at 651-361-7900.

Please note that comments regarding the Commerce Department's proposal must be sent to the ALJ. Comments sent to Commerce alone will not be part of the rulemaking record. Comments submitted after the close of the comment period will not be accepted or considered part of the record.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: 8/02/2021

Grace Arnold, Commissioner  
Minnesota Department of Commerce

# Proposed Rules

---

---

## **2737.0100 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in Minnesota Statutes, chapter 62W, have the meanings given them. For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Aggregate.** “Aggregate” means the sum total of the particular reporting element at the national drug code level.

Subp. 3. **Doing business in Minnesota.** “Doing business in Minnesota” means a plan sponsor (1) is a Minnesota entity, or (2) makes a contract or engages in a terms of service agreement with a Minnesota resident that is performed in whole or in part by either party in Minnesota.

Subp. 4. **Machine readable format.** “Machine readable format” has the meaning given in United States Code, title 44, section 3502(18).

Subp. 5. **Owned pharmacy.** “Owned pharmacy” means (1) a pharmacy, whether retail, mail order, specialty, or other, or a pharmacy provider in which a pharmacy benefit manager has a direct or indirect ownership interest, or (2) a pharmacy provider has an ownership interest, whether direct or indirect, in the pharmacy benefit manager.

## **2737.0200 AUTHORITY, SCOPE, AND PURPOSE.**

This chapter is promulgated pursuant to Minnesota Statutes, chapter 62W, and Laws 2019, chapter 39, section 20. This chapter applies to all pharmacy benefit managers that are licensed or authorized to do business in or otherwise doing business in Minnesota and subject to the provisions of the Minnesota Pharmacy Benefit Manager Licensure and Regulation Act. This chapter is promulgated to carry out the act, as amended, and to facilitate the act’s full and uniform implementation, enforcement, and application.

## **2737.0300 GOVERNMENT PROGRAMS.**

Subpart 1. **Governmental agencies providing pharmacy management services.** Where an agency of the state of Minnesota directly provides pharmacy management services, the agency is extended the exemption granted to the Department of Human Services.

Subp. 2. **Managed care plans in contract with state agencies.** A managed care plan that has entered into a contract with the Department of Human Services that otherwise meets the definition of a plan sponsor under Minnesota Statutes, section 62W.02, subdivision 16, is not entitled to the exemption granted to the Department of Human Services.

## **2737.0400 BUSINESS LICENSE REQUIREMENTS; INITIAL APPLICATION.**

Subpart 1. **Application.** A pharmacy benefit manager doing business in Minnesota on or after January 1, 2020, must apply to the commissioner in the manner and form prescribed by the commissioner in order to perform, act, or do business in Minnesota as a pharmacy benefit manager. The forms must be submitted no later than 90 days prior to the first day business is effective, offered, or maintained.

Subp. 2. **Application contents.** Each application for a license as pharmacy benefit manager must:

A. be signed and sworn to by the applicant, or the applicant’s owners, and be accompanied by the license fee required by Minnesota Statutes, section 62W.03. If the applicant is a corporate applicant, the application must be verified by the president and secretary of the corporation;

B. designate an agent for service of process in Minnesota;

C. provide the name, address, identifying information, official position, and professional qualifications of each person responsible for conducting the affairs of the pharmacy benefit manager, including owners, key employees, as well

---

---

# Proposed Rules

as all members of the board of directors, board of trustees, executive committee, or other governing board or committee; for a corporation, the principal officers; or for a partnership or association, the partners or members;

D. for the applicant and each person identified under item C:

(1) provide detailed resumes, which must contain at a minimum each person's name, licensing history, and qualifications and experience relating to the work the person performs for the applicant;

(2) for an owner, partner, officer, or director of the applicant, fully describe any contract or other business relationship terminated for alleged misconduct on the part of any owner, partner, officer, or director of the applicant;

(3) fully describe any violations or investigations by any governmental agency;

(4) fully describe any professional or occupational license discipline or suspension;

(5) fully describe any criminal charges or convictions; and

(6) fully describe any delinquent tax obligation, bankruptcy, or demand or judgment for overdue money by an insurer, insured, pharmacy, or any other claimant, whether involving fraud, misappropriation of funds, failure to exercise good faith and fair dealing in the performance of contractual duties, or for any other reason;

E. provide the identities of any plan sponsors for whom the applicant provides pharmacy benefit manager services in Minnesota, and the identity of any utilization review companies required to be licensed under Minnesota Statutes, chapter 62W, that the applicant uses in Minnesota; and

F. provide the total number of insureds residing in Minnesota for each plan sponsor for which the applicant provides services.

Subp. 3. **Network adequacy report.** As part of any application for a license under this chapter, an applicant must provide a pharmacy network adequacy report to the Department of Health in the manner and form prescribed by the Department of Health. Pharmacy benefit managers must have a network adequacy report approval issued by the Department of Health no less than 90 days prior to the desired license effective date. The Department of Health's review of the report, and any geographic or other restrictions determined by the Department of Health, may become part of any license issued.

Subp. 4. **Fee.** Each initial pharmacy benefit manager application for licensure must be accompanied by a nonrefundable fee of \$8,500. An additional administration fee may be charged by the service provider retained by the commissioner.

Subp. 5. **Updated information required.** If any of the information provided on the initial application under subpart 2, item C, D, or E, changes at any time following submission, the applicant must provide updated information to the commissioner within 30 days of the date the applicant becomes aware of the changed information. If any of the information provided on the network adequacy report changes at any time following submission, the applicant must provide updated information to the Department of Health within 30 days of the date the applicant becomes aware of the changed information.

## **2737.0500 BUSINESS LICENSE REQUIREMENTS; RENEWAL APPLICATION.**

Subpart 1. **Renewal application.** In order to obtain a renewal of a license, a pharmacy benefit manager must annually meet the requirements needed to obtain an initial pharmacy benefit management license under part 2737.0400. The commissioner must consider those areas of law described in part 2737.0700, subpart 2, in order to determine whether to approve the renewal of a pharmacy benefit manager's license each year.

# Proposed Rules

---

---

## Subp. 2. **Timeline.**

A. **Renewal application.** Applications for renewal may be submitted as soon as 90 days before the date the current license expires, but must be submitted no later than 60 days before the date the current license expires. Renewal applications must be submitted in the manner and form prescribed by the commissioner. Applications submitted after the required date are considered a late application and may result in enforcement action, in addition to the late fee provided under subpart 3.

B. **Network adequacy report.** As part of any renewal application for a license under this chapter, an applicant must provide a pharmacy network adequacy report to the Department of Health, in the manner and form prescribed by the Department of Health. Pharmacy benefit managers must submit a complete network adequacy report to the Department of Health no less than 90 days prior to the date the current license expires. The Department of Health's review of the report, and any geographic or other restrictions determined by the Department of Health, may become part of any license issued.

C. **Determination.** Within 90 days after the date a completed renewal application, the network adequacy report, and the license fee are received, the commissioner must review the application and issue a license if the applicant is deemed qualified under this part. If the commissioner determines the applicant is not qualified, the commissioner must notify the applicant and must specify the reason or reasons for the denial.

Subp. 3. **Fee.** Each application for pharmacy benefit manager licensure renewal must be accompanied by a nonrefundable fee of \$8,500. The deadline for submitting the renewal application is 60 days before the date the license expires. A renewal application submitted after the renewal deadline must be accompanied by a nonrefundable \$500 late fee. An additional administration fee may be charged by the service provider retained by the commissioner.

Subp. 4. **Updated information required.** If any of the information provided on the renewal application changes at any time following submission, the applicant must provide updated information to the commissioner within 30 days after the date the applicant becomes aware the information changed. If any of the information provided on the network adequacy report changes at any time following submission, the applicant must provide updated information to the Department of Health within 30 days after the date the applicant becomes aware the information changed.

## **2737.0600 REVIEW BY COMMISSIONER.**

Subpart 1. **Additional information.** The commissioner may request additional information within 30 days of receiving completed initial or renewal application data. The 30-day initial review period does not begin until complete application data has been submitted to the commissioners of commerce and health. Incomplete applications will not be reviewed, but incomplete items will be identified and communicated within 30 days.

Subp. 2. **Determination.** Within 90 days after the date a complete initial or renewal application is received, the commissioner must:

A. issue an initial or renewal license if the applicant is determined to be qualified;

B. issue a limited or restricted license; or

C. notify the applicant if the submission is denied, specifying the reason for the denial. If the applicant provides a remedy for the denial within 30 days of the date the denial notice is received, or submits and receives approval for a corrective action plan to cure and correct deficiencies within 30 days of the date the denial notice is received, the commissioner must not assess a new application fee. The commissioner may provide temporary, contingent approval for a pharmacy benefit manager while the pharmacy benefit manager is participating in the corrective action plan process.

Subp. 3. **Limited or restricted license.** As part of a license application review, the commissioner may issue a restricted or limited license, including limitations based on the network adequacy report. A pharmacy benefit manager whose application for a full license results in a limited or restricted license may provide the Department of Commerce

---

---

# Proposed Rules

with additional information that addresses the basis for the limited or restricted license and request that a full license be restored.

Subp. 4. **Appeals process.** The commissioner's decision to deny a license, deny a renewal, or issue a limited or restricted license may be appealed subject to the following procedure:

A. within 30 days of the date the denial or limited or restricted license is issued, a pharmacy benefit manager must make a written request to the commissioner for a hearing to determine whether the decision or action complies with this chapter and Minnesota Statutes, chapter 62W;

B. the commissioner must conduct a hearing within 30 days after the date the hearing request is made and must give not less than ten days' written notice of the hearing date, time, and location;

C. within 15 days after the hearing date, the commissioner must affirm, reverse, or modify the denial or limited or restricted license issuance and specify in writing the reasons for the decision or action. The effective date of the commissioner's action or decision may be suspended or postponed pending the completion of the hearing before the commissioner;

D. nothing in this subpart requires the commissioner to observe formal rules of pleading or evidence at any hearing; and

E. the commissioner's order or decision is a final decision subject to appeal under Minnesota Statutes, chapter 14.

Subp. 5. **License continuity.** If a renewal license is not granted before the previous year's license expires and the pharmacy benefit manager has a timely filed renewal application pending, the pharmacy benefit manager may continue to provide services under the terms of the previous year's license until the renewal application is approved or denied.

## **2737.0700 ENFORCEMENT BY COMMISSIONER.**

Subpart 1. **Acting without a license.** If a pharmacy benefit manager acts without a license, the pharmacy benefit manager may be subject to a fine of up to \$5,000 per day for the period the pharmacy benefit manager is found to be in violation. The commissioner must consider timeliness of responses, content of responses, and progress toward licensure when assessing fines.

Subp. 2. **Basis for suspension, revocation, or probation.** The commissioner may consider the following when suspending, revoking, or placing a pharmacy benefit manager license on probation:

A. failure to comply with relevant state and federal law:

(1) Minnesota Statutes, chapter 62W; and

(2) state health care and pharmacy laws:

(a) insurance laws codified in Minnesota Statutes, chapters 60A, 62A to 62W, and related rules;

(b) health laws codified in Minnesota Statutes, chapter 151, and related rules;

(c) the electronic health record technology requirements under Minnesota Statutes, section 62J.495, the electronic prescription drug program requirements under Minnesota Statutes, section 62J.497, the uniform electronic transactions standards under Minnesota Statutes, section 62J.536, the implementation of electronic data interchange standards under Minnesota Statutes, section 62J.56, and the Minnesota uniform health care identification card requirements under Minnesota Statutes, section 62J.60; and

(d) for pharmacy benefit managers providing benefits to a person covered by workers' compensation, the

# Proposed Rules

---

---

pharmacy benefit manager must comply with the processes, cost sharing, and treatment access described in Minnesota Statutes, section 176.135, in relation to compensable prescriptions, including the requirement that a pharmacy or network of pharmacies may be required only if a designated pharmacy is located within 15 miles of the employee's place of residence;

B. fraudulent activity that constitutes a violation of state or federal law;

C. consumer, plan sponsor, or health care provider complaints that have led to a civil or criminal action to protect the safety and interests of consumers;

D. failure to pay any fees and penalties; and

E. compliance with federal pharmacy laws, including but not limited to the following laws, regulations, and guidance, as applicable to the plan sponsor or product that the pharmacy benefit manager serves.

Subp. 3. **Notice.** The commissioner must provide a 30-day notice before suspending, revoking, or placing a pharmacy benefit manager license on probation. If the pharmacy benefit manager demonstrates remedy or good faith progress toward remediation before the 30-day notice period expires, the commissioner may approve the license, reduce the enforcement action to probation, or provide an extended timeline for probation and remediation.

## **2737.0800 ADEQUATE NETWORK.**

Subpart 1. **Pharmacy type.** A network is adequate if it contains at least one of each of the following types of pharmacies:

A. retail;

B. specialty;

C. home infusion;

D. mail order;

E. long-term care; or

F. Indian health service, Tribal organizations, and urban Indian organizations.

Subp. 2. **Plan to provide services.** If a pharmacy benefit manager does not include a pharmacy type listed in subpart 1, the pharmacy benefit manager must provide the Department of Health an explanation why the pharmacy type is excluded and describe how an enrollee requiring services from the excluded pharmacy types may access them.

## **2737.0900 ACCESSIBLE NETWORK; RETAIL PHARMACY.**

The relevant portion of Minnesota Statutes, section 62K.10, for purposes of determining accessibility for retail pharmacies is subdivision 2.

## **2737.1000 TRANSPARENCY REPORTS TO PLAN SPONSORS.**

Subpart 1. **Publication of template.** The commissioner must post on the Department of Commerce's website a template that a plan sponsor may use to submit a transparency request of the data provided under Minnesota Statutes, section 62W.06, subdivision 1, paragraph (a). A plan sponsor is not required to use this template to submit a transparency data request.

Subp. 2. **Time to respond.** A pharmacy benefit manager doing business in Minnesota must reply to a formal transparency report request within 60 days of the date the request is made. A formal request is made when:

A. the plan sponsor has met criteria to request a transparency report from the pharmacy benefit manager under Minnesota Statutes, section 62W.06, subdivision 1, for the first time (but not for data prior to the execution of the initial contract start date); or

B. the plan sponsor provides evidence of perceived negligence with respect to a contractual duty between the pharmacy benefit manager and plan sponsor during the last contractual year.

Subp. 3. **Penalties and fines.** If a plan sponsor believes a pharmacy benefit manager has violated Minnesota Statutes, section 62W.06, subdivision 1, paragraph (a), the plan sponsor may file a complaint with the department 60 days after the date the transparency report request was made. A transparency report requested under Minnesota Statutes, section 62W.06, subdivision 1, paragraph (a), is untimely and subject to penalties on the 61st day after the date the report was requested by the plan sponsor.

## **2737.1100 TRANSPARENCY REPORTS TO COMMISSIONER.**

Subpart 1. **Publication of submission form.** Annually no later than 60 days before the transparency reporting deadline date, the commissioner must post to the department's website the transparency report submission process, including the format, data specifications, and other pertinent information necessary to collect and report all data, including templates used for submission of the aggregate data required by Minnesota Statutes, section 62W.06, subdivision 2, paragraph (a), clauses (1) to (6), the claims-level data required by Minnesota Statutes, section 62W.02, subdivision 2, paragraph (a), clause (7), and the data publicly reported by the commissioner under Minnesota Statutes, section 62W.02, paragraph (b).

Subp. 2. **Use of submission forms and templates.** Unless given written permission by the commissioner not to, the templates annually published by the commissioner for submission of aggregate data, claims-level data, and data to be publicly reported, must be used.

Subp. 3. **Notice of no data to report.** A pharmacy benefit manager that claims to be exempt from the requirement to submit the transparency reports under Minnesota Statutes, section 62W.06, subdivision 2, must, no later than the date the reports are due, submit to the commissioner a statement specifying the basis for nonreporting.

Subp. 4. **Therapeutic categories.** The commissioner must select a preexisting and commonly used therapeutic classification system to group drugs into like categories. The commissioner may consult with state agencies and other experts in the field in order to determine the best classification system. The commissioner must publish the classification system on the department's website at the same time transparency report templates are published. The classification system must be consistent with industry standards and must be reviewed on a periodic basis.

Subp. 5. **Delegation of data collection.** The commissioner may delegate or engage staff within the various divisions of the Department of Commerce, an outside third party, or another state agency to assist in data collection and analysis. The commissioner must ensure that delegated persons do not have a conflict of interest with respect to a particular data review.

Subp. 6. **Use of third party for data submission.** A pharmacy benefit manager may satisfy the requirements of Minnesota Statutes, section 62W.06, subdivision 2, paragraph (a), clause (7), by delegating data submission to a third-party administrator, health carrier, or another pharmacy benefit manager. The pharmacy benefit manager and the third-party administrator, health carrier, or other pharmacy benefit manager must have a contract provision that dictates which party is responsible for claims-level reporting. If a contract provision does not exist, the commissioner must enforce the data submission requirements of this subpart on the pharmacy benefit manager responsible for processing pharmacy claims. The transparency reporting submission process must provide an opportunity for a pharmacy benefit manager doing business in Minnesota to indicate the party that is submitting claims-level data on behalf of the pharmacy benefit manager. A pharmacy benefit manager's use of third parties for data submission does not absolve the licensed pharmacy benefit manager of any responsibility for compliance issues determined during the department's report review.

# Proposed Rules

---

---

Subp. 7. **Penalties and fines.** If a pharmacy benefit manager has violated Minnesota Statutes, section 62W.06, by failing to timely submit a transparency report, the commissioner may assess a penalty of up to \$1,000 per day until the pharmacy benefit manager provides the requested transparency report. A transparency report requested under Minnesota Statutes, section 62W.06, subdivision 2, paragraph (a), is untimely and subject to penalties beginning the day after the date the report is due.

## **2737.1200 PHARMACY OWNERSHIP INTEREST.**

Subpart 1. **Networks with only owned pharmacies.** A pharmacy benefit manager requires an enrollee to use a pharmacy if the pharmacy benefit manager establishes a network of pharmacies that includes only pharmacies directly or indirectly owned by the pharmacy benefit manager.

Subp. 2. **Exemptions to prohibitions.** A pharmacy benefit manager is exempt from the prohibitions in Minnesota Statutes, section 62W.07, paragraph (b), if the owned and nonowned pharmacies are of the same type, as provided in this subpart.

A. **Retail.** To be exempt from Minnesota Statutes, section 62W.07, paragraph (b), if the pharmacy benefit manager or health carrier attempts to incentivize use of an owned retail pharmacy, the pharmacy benefit manager or health carrier must provide the same incentive at a nonowned retail pharmacy.

B. **Specialty.** To be exempt from Minnesota Statutes, section 62W.07, paragraph (b), if the pharmacy benefit manager or health carrier attempts to incentivize use of an owned specialty pharmacy, the pharmacy benefit manager or health carrier must provide the same incentive at a nonowned specialty pharmacy.

C. **Mail order.** To be exempt from Minnesota Statutes, section 62W.07, paragraph (b), if the pharmacy benefit manager or health carrier attempts to incentivize use of an owned mail order pharmacy, the pharmacy benefit manager or health carrier must provide the same incentive at a nonowned mail order pharmacy.

Subp. 3. **Use of quantity and refill limits.** A pharmacy benefit manager may use quantity and refill limits only as provided in this subpart.

A. **Retail.** A pharmacy benefit manager or health carrier may only impose quantity limits or refill frequency limits at an owned retail pharmacy where the pharmacy benefit manager or health carrier provides the enrollee access to a nonowned retail pharmacy with the same limits.

B. **Mail order.** A pharmacy benefit manager or health carrier may only impose quantity limits or refill frequency limits at an owned mail order pharmacy where the pharmacy benefit manager or health carrier provides the enrollee access to a nonowned mail order pharmacy with the same limits.

Subp. 4. **Single mail order pharmacy networks.** If a pharmacy benefit manager administers a network with a single mail order pharmacy that is an owned pharmacy, the pharmacy benefit manager is prohibited from (1) offering financial incentives to use the mail order pharmacy, or (2) imposing limits on an enrollee's access to medication.

## **2737.1300 SECTION 340B PARTICIPANTS.**

Subpart 1. **Prohibition on 340B participants.** A pharmacy benefit manager is prohibited from adopting a rule, requirement, or condition that provides that, in order to be included in the pharmacy benefit manager's pharmacy network, a pharmacy, mail order pharmacy, or specialty pharmacy is prohibited from participating in the federal 340B Drug Pricing Program under section 340B of the Public Health Service Act, United States Code, title 42, chapter 6A.

Subp. 2. **Continued access.** A pharmacy benefit manager is prohibited from conditioning continued access to network status on nonparticipation in the 340B program.

Subp. 3. **Specific terms or reimbursement rates.** A pharmacy benefit manager is prohibited from requiring that 340B

---

---

# Proposed Rules

participants agree to specific terms or reimbursement rates, based on the participant's participation in the 340B program, in order to access network status.

## **2737.1400 OUT-OF-POCKET COST COMPARISONS.**

Subpart 1. **Request format.** A pharmacy benefit manager may create specific forms, rules, or guidelines for an enrollee to request out-of-pocket cost information. Any forms, rules, or guidelines a pharmacy benefit manager creates must not be unreasonably onerous or burdensome.

Subp. 2. **Response format.** The pharmacy benefit manager's response to an enrollee's request must be consistent with the manner in which the request is made. If a pharmacy benefit manager creates specific forms, rules, or guidelines for out-of-pocket cost information requests, the pharmacy benefit manager must provide an enrollee with information regarding the format of the pharmacy benefit manager's response. The response must use plain language that clearly delineates the difference in out-of-pocket costs based on the pharmacy used.

Subp. 3. **Time to respond.** A pharmacy benefit manager must respond to an enrollee's request for out-of-pocket cost information within five business days of the date of the request.

Subp. 4. **Existing system.** If an enrollee seeks the information available under Minnesota Statutes, section 62W.076 or 62W.077, and if a pharmacy benefit manager maintains an online system that is easily accessible, the pharmacy benefit manager may comply with this part by directing the enrollee to the online system.

## **2737.1500 MAXIMUM ALLOWABLE COST PRICING.**

Subpart 1. **Maximum allowable cost price list.** A pharmacy benefit manager subject to Minnesota Statutes, section 62W.08, must make available to all pharmacies the pharmacy benefit manager has a contract with a version of the pharmacy benefit manager's maximum allowable cost price list that comports with the following requirements:

A. **Form.** Pharmacy benefit managers must allow pharmacies the pharmacy benefit manager contracts with to review the maximum allowable cost price list in electronic, paper, or telephonic format.

B. **Electronic availability.** A pharmacy benefit manager must ensure that the electronically available maximum allowable cost price list is presented in a machine readable format, such as CSV, JSON, XML, or another commonly available digital format.

C. **Date updated.** The date the maximum allowable cost price list was last updated must be prominently displayed on both electronic and paper formats of the list and must be clearly announced via the telephonic format.

D. **Updated items.** A list must clearly identify prices that have changed.

Subp. 2. **Contracts.** A pharmacy benefit manager is prohibited from requiring a pharmacy to waive or modify Minnesota Statutes, section 62W.08, as a condition of inclusion in a network. Contract provisions related to appeal, investigation, and dispute resolution processes regarding maximum allowable cost pricing that are in addition to the requirements under Minnesota Statutes, section 62W.08, paragraph (c), clauses (1) to (3), are not a modification to Minnesota Statutes, section 62W.08.

## **2737.1600 PHARMACY AUDITS.**

Subpart 1. **Publication of pharmacy audit standards.**

A. A pharmacy benefit manager must make available to a pharmacy or pharmacist the standards and parameters under which the pharmacy or pharmacist is audited.

B. The entity conducting the audit must provide the entity under audit with information regarding the written

# Proposed Rules

---

---

appeals process at the commencement of the audit, as well as at any time the entity under an audit is provided a report that could be appealed.

Subp. 2. **Contracts.** Except as authorized under Minnesota Statutes, section 62W.09, subdivision 6, a pharmacy benefit manager is prohibited from requiring a pharmacy to waive or modify Minnesota Statutes, section 62W.09, as a condition of inclusion in a network.

## **2737.1700 ALLOWABLE CLAIM AMOUNT.**

The allowable claim amount is equivalent to the net amount the pharmacy receives from the pharmacy benefit manager for dispensing the prescription.

## **2737.1800 RETROACTIVE ADJUSTMENTS.**

Subpart 1. **Contracts.** Minnesota Statutes, section 62W.13, must not be waived or modified by contract.

Subp. 2. **Billing errors.** A claim for a billing error must be documented and the information supporting the claim, if any, must be provided to the pharmacy upon request. A pharmacy benefit manager must allow a pharmacy an opportunity to rebut a billing error claim.

Subp. 3. **Fees not subject to adjustment.** Payment for quality performance metrics included in a prescription drug plan that are based on a pharmacy's quality performance and calculated on prescription count are not retroactive claim adjustments. Retroactive adjustments must not include payments to the pharmacy based on meeting certain performance metrics and must not be based on related prescription count.

# Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the Constitution of the State of Minnesota, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order 21-29: Providing Assistance to the Minnesota Interagency Fire Center

I, **Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

This summer, Minnesota has experienced abnormally high temperatures and a historic drought resulting in dry conditions conducive to wildfires. There is a wildfire actively burning in the Beltrami Island State Forest, including Lake of the Woods, Roseau, and Beltrami counties, that is threatening life and property near Warroad. The area near the wildfires is experiencing exceptional drought and extreme fire danger conditions exist for all other surrounding counties. Fire danger conditions are expected to remain very high for the next several days.

The State Emergency Operations Center, Minnesota Department of Natural Resources, and Minnesota Interagency Fire Center ("MIFC") do not have adequate resources to meet the demands caused by the wildfire and for widespread wildfire suppression. As a result, MIFC has requested fire suppression assets from the Minnesota National Guard.

For these reasons, I order as follows:

1. The Adjutant General will order to state active duty the people, equipment, and facilities needed to support emergency aerial operations in the State of Minnesota.
2. The Adjutant General is authorized to procure the goods and services needed to accomplish the mission.
3. The costs of this assistance shall be paid from the general fund as allowed by Minnesota Statutes 2020, section 192.52.

This Executive Order is effective immediately under Minnesota Statutes 2020, section 4.035, subdivision 2, and remains in effect until such date as National Guard resources are no longer required or until it is rescinded by proper authority, whichever occurs first.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on August 15, 2021.

**Tim Walz**  
Governor

Filed According to Law:

**Steve Simon**  
Secretary of State

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.”  
**Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Agriculture

### Adopted Temporary Exempt Rules Relating to the Commercial Production of Hemp

#### **1565.0100 PURPOSE.**

The purpose of this chapter is to establish the requirements for a person to commercially produce and process hemp as provided under Minnesota Statutes, chapter 18K. A license issued under this chapter is required for a person to grow or process hemp in Minnesota.

#### **1565.0200 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Acceptable hemp THC level.** “Acceptable hemp THC level” means when the measurement of uncertainty is applied to total THC resulting in a distribution or range that includes 0.3 percent or less of delta-9 tetrahydrocannabinol as defined in Code of Federal Regulations, title 7, part 990.1.

Subp. 3. **Applicant.** “Applicant” means a person who submits an application for a license as required under this chapter. If the applicant is an entity, applicant means the owner or most responsible individual in charge of the entity.

Subp. 4. **Authorized representative.** “Authorized representative” means any individual authorized by the licensee to make changes to the license and share data on behalf of the licensee. The licensee remains responsible for compliance with the license requirements irrespective of the acts or omissions of an authorized representative.

Subp. 5. **Cannabis.** “Cannabis” means a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and of which Cannabis ruderalis and Cannabis indica are subspecies. Cannabis also refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

---

---

# Exempt Rules

Subp. 6. **Certified seed.** “Certified seed” means a hemp seed variety that has been bred to comprise satisfactory genetic purity and varietal identity and has been accepted by the Association of Seed Certifying Agencies (AOSCA), Organization of Economic Cooperation and Development (OECD), or other certifying entity as determined by the commissioner.

Subp. 7. **Certificate of analysis.** “Certificate of analysis” means a document issued by an ISO 17025 accredited laboratory that documents the total THC concentration of a lot that it accompanies.

Subp. 8. **Commissioner.** “Commissioner” means the commissioner of agriculture.

Subp. 9. **Controlled Substances Act.** “Controlled Substances Act” is the law codified in United States Code, title 21, sections 801-971.

Subp. 10. **Conviction.** “Conviction” means any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged. For purposes of this part, a conviction is expunged when the conviction is removed from the individual’s criminal history record and there are no legal disabilities or restrictions associated with the expunged conviction, other than the fact that the conviction may be used for sentencing purposes for subsequent convictions. In addition, where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed, the individual is no longer considered to have a conviction for purposes of this chapter.

Subp. 11. **Corrective action plan.** “Corrective action plan” means a plan proposed by a licensed hemp producer and approved by the commissioner to correct a negligent violation of or noncompliance with a United States Department of Agriculture approved state hemp production plan, Minnesota statute, or any other provision under this chapter.

Subp. 12. **Criminal history report.** “Criminal history report” means a Federal Bureau of Investigation Identity History Summary that includes both federal and state criminal histories of an applicant obtained from the Bureau of Criminal Apprehension.

Subp. 13. **Culpable mental state greater than negligence.** “Culpable mental state greater than negligence” means to act intentionally, knowingly, willfully, recklessly, or with criminal negligence.

Subp. 14. **Decarboxylation.** “Decarboxylation” means the completion of the chemical reaction that converts THC acid (THCA) into delta-9 THC, the intoxicating component of cannabis. The decarboxylation value is also calculated using a conversion formula that sums delta-9 THC and 87.7 percent of THC acid.

Subp. 15. **Delta-9 tetrahydrocannabinol or THC.** “Delta-9 tetrahydrocannabinol” or “THC” mean the primary psychoactive component of cannabis. For the purposes of this chapter, delta-9 tetrahydrocannabinol and THC are interchangeable.

Subp. 16. **Department.** “Department” means the Department of Agriculture.

Subp. 17. **Destruction.** “Destruction” has the same meaning as disposal.

Subp. 18. **Disposal or dispose.** “Disposal” or “dispose” means an activity that transitions the noncompliant product into a nonretrievable or noningestible form. Disposal activities include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; and burying plant material into the earth and covering it with soil.

Subp. 19. **Dry weight basis.** “Dry weight basis” means the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis substance including the plant, extract, or other derivative, after excluding moisture from the item.

Subp. 20. **Dwelling.** “Dwelling” means any residential building or portion of the building intended or built for

# Exempt Rules

---

---

occupancy by one or more persons with facilities for living, sleeping, cooking, and eating, including apartments, townhomes, and any other multi-family structures.

Subp. 21. **Entity.** “Entity” means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

Subp. 22. **Farm Service Agency or FSA.** “Farm Service Agency” or “FSA” means the agency formed with the United States Department of Agriculture.

Subp. 23. **Fit for Commerce certificate.** “Fit for Commerce certificate” means a document issued by the commissioner attesting that raw hemp plant material has been tested for total THC concentration and is in compliance with this chapter.

Subp. 24. **Geospatial location.** “Geospatial location” means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

Subp. 25. **Grow location.** “Grow location” means a contiguous land area, or greenhouses, hoop houses, or buildings for indoor cultivation, registered with the commissioner, on which a licensee or applicant conducts or will conduct licensed hemp cultivation activities. Each noncontiguous grow location must be registered separately.

Subp. 26. **Grower.** “Grower” means a person who grows hemp in order to harvest plants, plant parts, grain, or seed.

Subp. 27. **Genuine grower’s declaration.** “Genuine grower’s declaration” means a statement signed by a grower for a lot of hemp propagules that provides the lot number, kind, variety, origin, quantity, year of production, date of shipment, and name of the person to whom the lot was sold, shipped, or delivered.

Subp. 28. **Harvest report.** “Harvest report” means a form required to be submitted to the commissioner of agriculture by a licensed hemp grower on which the grower indicates the date the grower intends to harvest each hemp lot the grower reported on the planting report.

Subp. 29. **Immature plant.** “Immature plant” means a cannabis plant that is not flowering.

Subp. 30. **Key participant.**

A. “Key participant” means a sole proprietor, a partner in a partnership, a person with executive managerial control in a corporation, or a person who has a direct or indirect financial interest in an entity producing hemp.

B. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer.

C. Key participant does not include farm, field, and shift managers.

D. Key participant does not include a member of the leadership of a Tribal government who is acting in the member’s capacity as a Tribal leader, except when that member exercises executive managerial control over hemp production.

Subp. 31. **Licensee.** “Licensee” means any person who holds a license from the commissioner to grow, produce, or process hemp.

Subp. 32. **Lot.** “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout, and all hemp plants, plant parts, extracts, and derivatives from a common source. Lot also has the meaning given to “farm,” “tract,” “field,” and “subfield” as these terms are defined in Code of

---

---

# Exempt Rules

Federal Regulations, title 7, section 718.2.

Subp. 33. **Marketable hemp product.** “Marketable hemp product” means a hemp product that does not contain any living hemp plant parts or viable seeds, and does not contain THC above the acceptable hemp THC level.

Subp. 34. **Measurement of uncertainty.** “Measurement of uncertainty” means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement. Measurement of uncertainty includes uncertainty due to sampling.

Subp. 35. **Negligence.** “Negligence” means failure to exercise the level of care that a reasonably prudent person would exercise in complying with this chapter.

Subp. 36. **Person.** “Person” includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, corporations, or businesses.

Subp. 37. **Planting report.** “Planting report” means a form required to be submitted to the commissioner of agriculture by a licensed hemp grower on which the grower indicates the date the grower planted each hemp lot, the variety name or names, and the FSA lot number or numbers.

Subp. 38. **Postdecarboxylation value.** “Postdecarboxylation value” means the THC value calculated with a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. This test calculates the total potential THC in a given sample.

Subp. 39. **Processing.** “Processing” means rendering hemp plants or plant parts from their natural or original state after harvest by refinement, decorticating, devitalizing, chopping, crushing, extracting, or packaging. Typical farm operations, including sorting, grading, baling, and harvesting, are not considered processing for purposes of this definition.

Subp. 40. **Processing location.** “Processing location” means any area, building, plant, or facility registered with and approved by the commissioner in which a licensee converts raw hemp into a marketable product.

Subp. 41. **Processor.** “Processor” means a person or business that converts raw hemp into a product.

Subp. 42. **Propagule.** “Propagule” means seeds, clones, transplants, and any other propagative hemp material.

Subp. 43. **Raw hemp.** “Raw hemp” means whole hemp plants, whether growing or not, or the stalks, viable seeds, unaltered flowers or leaves, or any unprocessed plant pieces or parts of hemp.

Subp. 44. **Remediation or remediating.** “Remediation” or “remediating” means the process of rendering noncompliant cannabis compliant by removing and destroying flower material while retaining stalk, stems, leaf material, and seeds, or shredding an entire plant into a biomass-like material, then retesting the shredded biomass material for compliance.

Subp. 45. **Sampling agent.** “Sampling agent” means a person trained on applicable United States Department of Agriculture, state, or Tribal procedures to collect hemp samples and who has approval and certification from the commissioner in order to collect regulatory samples for the department.

Subp. 46. **Sell or sale.** “Sell” or “sale” means:

A. keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging hemp;

B. having in possession with intent to sell, use, transport, negotiate, solicit, or exchange hemp;

# Exempt Rules

---

---

C. storing, manufacturing, producing, processing, packing, and holding of hemp for sale;

D. dispensing or giving hemp; or

E. supplying or applying hemp in the conduct of any hemp operation or carrying hemp in aid of traffic in hemp whether done or permitted in person or through others.

Subp. 47. **Territory of an Indian Tribe.** “Territory of an Indian Tribe” means:

A. all land within the limits of an Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;

B. all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or outside of the limits of a state;

C. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same; and

D. any land title that is either held in trust by the United States for the benefit of an Indian Tribe or individual or held by an Indian Tribe or individual subject to restriction by the United States against alienation and over which an Indian Tribe exercises jurisdiction.

Subp. 48. **Total THC.** “Total THC” means the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. The total THC also means the value determined by using a liquid chromatograph technique, which keeps the THCA intact. The chromatograph technique means  $\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}$ , which calculates the potential total THC in a given sample.

Subp. 49. **Volunteer hemp plant.** “Volunteer hemp plant” means a hemp plant that results from a previous crop.

Subp. 50. **Variety.** “Variety” means:

A. a subdivision of a kind that is distinct, uniform, and stable;

B. distinct in the sense that the variety can be differentiated by one or more identifiable morphological, genetic, physiological, or other characteristics from all other varieties of public knowledge;

C. uniform in the sense that variations in essential and distinctive characteristics are describable; and

D. stable in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

## **1565.0300 APPLICATION PROCESS.**

Subpart 1. **Application.**

A. An applicant for a hemp grower or processor license must pay a nonrefundable registration and inspection fee and submit an application to the commissioner containing the following information:

(1) the applicant’s full name, business address, telephone number, and e-mail address if available. For an entity, the full business name, the principal business location address, telephone number, and the full name, title, and e-mail address, if available, of each key participant of the entity;

---

---

# Exempt Rules

- (2) a list of authorized representatives to be registered under the license;
- (3) the proposed acreage and indoor square footage to be planted, if applicable;
- (4) the legal description and geospatial location of any proposed registered grow or processing area;
- (5) a map of the grow location, showing the boundaries and dimensions of the grow location in acres or square feet, if applicable; and
- (6) the landowner's name, telephone number, and e-mail address, if different than the grower, if applicable.

B. As part of a complete application under this part, a first-time applicant must provide to the Bureau of Criminal Apprehension an official fingerprint card of the applicant, a nonrefundable background check fee, and a completed informed consent form authorizing the commissioner to obtain a criminal history report on the applicant. The criminal history report must be dated within 60 days of application.

C. As part of an annual renewal, a licensee must pay a nonrefundable license renewal fee to the commissioner.

**Subp. 2. License issuance prohibited in certain circumstances.** The commissioner must not issue a license:

A. unless the application submitted for review is complete and accurate, and the criminal history report confirms that the applicant has not been convicted of a felony under state or federal law relating to a controlled substance within the past ten years unless the exception in Code of Federal Regulations, title 7, part 990.20(b), applies;

B. if the applicant has not submitted all reports required under this chapter or owes past inspection fees or a penalty to the commissioner for violating a provision of this chapter; or

C. if the commissioner obtains knowledge that the applicant is applying for a license as a stand-in for someone whose license has been suspended, revoked, or is otherwise ineligible to participate.

**Subp. 3. Ineligibility due to certain convictions.** An applicant is required during the course of the applicant's license period to ensure that the individual grower, authorized representative, licensed applicant, or key participant has not been convicted of a felony relating to a controlled substance, including but not limited to possession, production, sale, use, or distribution of a controlled substance in any form within ten years of the date of the application. If an individual has been convicted of a felony as described in subpart 2, the individual is ineligible, during the ten-year period following the date of the conviction, to grow hemp or participate in the hemp program under this chapter.

## **1565.0400 GROWER LICENSE.**

**Subpart 1. License required.** A person must possess a hemp grower license before planting or growing raw hemp in Minnesota.

**Subp. 2. FSA reporting.** A licensee must report all plantings by variety to their local FSA office as required under Code of Federal Regulations, title 7, section 990.7. A grower must consult with the grower's local FSA county office for acreage reporting requirements.

**Subp. 3. Forms; planting/harvesting report.**

A. A licensee must submit an FSA 578 form to the Farm Service Agency no more than ten days after planting a hemp lot.

B. A licensee must submit a planting report to the commissioner no more than ten days after submitting an FSA 578 form.

# Exempt Rules

---

---

C. A licensee must submit a harvest report to the commissioner no more than 30 days and no less than five days before harvest. The licensee must include in the harvest report a certificate of analysis for any hemp lot that has not been selected by the commissioner demonstrating the THC levels of a representative sample of the hemp lot, collected within 30 days before the harvest date.

Subp. 4. **License period.** A license issued under this chapter is valid until the last day of the calendar year in which the license was issued and may be renewed in successive years.

Subp. 5. **Harvesting during license period required.** A person growing hemp must destroy any growing plant that is not harvested during the license period in which it was planted unless the license has been renewed.

Subp. 6. **Change in grow location.** A licensee must not change the location of a registered grow location without first notifying the commissioner and the licensee's local Farm Service Agency. A licensee must submit the proposed change to the commissioner along with an updated legal description, geospatial location, and map specifying the proposed changes to the registered grow location or grow locations and pay any applicant fees before planting.

Subp. 7. **Hemp seed certification.** A licensee growing hemp to produce certified seed must register with and follow the requirements for seed certification by the Minnesota Crop Improvement Association.

## **1565.0500 PROCESSOR LICENSE.**

Subpart 1. **License required.** A person must possess a hemp processor license before obtaining raw hemp materials for commercial processing purposes. Hemp may only be processed in this state by a person with a processor license. If hemp is processed in this state by a person without a processor license, the processed hemp is prohibited from entering the stream of commerce.

Subp. 2. **Source material documentation.** A licensee must provide upon request to the commissioner or to law enforcement information documenting the source material for any hemp plants, plant parts, grain, seeds, and products that the licensee is in possession of or had processed. Documentation must include any test results from an accredited laboratory validating that plant materials and products do not exceed the acceptable hemp THC level.

Subp. 3. **Change in processing location.** A licensee must not change the location of a registered processing location without first notifying the commissioner. A licensee must submit the proposed change to the commissioner along with an updated legal description, geospatial location or map specifying the proposed changes to the registered processing location, and if applicable, pay additional fees, before commencing processing at the new location.

Subp. 4. **Hemp sourcing requirements.** A processor must obtain hemp from a licensed Minnesota grower or from sources approved through another state or federally approved plan. A processor must obtain a copy of the Fit for Commerce certificate or certificate of analysis demonstrating the hemp material is within the acceptable hemp THC level from the grower, specific to the lot being purchased, before processing the hemp.

## **1565.0600 SUPERVISION, SAMPLING, AND INSPECTION.**

Subpart 1. **Licensee requirements.** A licensee must:

A. maintain on record any additional testing results of final harvested materials and any processed materials, to ensure compliance with the 0.3 percent total THC requirement;

B. not knowingly make any materially false statement or misrepresentations regarding the licensee's cultivation or processing of cannabis plants;

C. not cultivate, process, move, or distribute cannabis plants other than hemp unless licensed to do so;

D. not cultivate or process hemp in an area not licensed by the commissioner;

E. pay any fees applicable to the licensed activities; and

F. have the legal right to the registered grow location, including the legal authority to grant the commissioner access to the grow location for inspection and sampling.

**Subp. 2. Sampling, testing, and destruction.**

A. A licensee is responsible to ensure the licensee's hemp plants are within acceptable hemp THC levels.

B. As a condition of obtaining and maintaining a license under this chapter, a licensee must allow a sampling agent, the commissioner, or the commissioner's designee to conduct field surveillance and crop sampling of the licensee's grow location or locations as requested by the commissioner. A regulatory sample must be collected by a sampling agent, the commissioner, or the commissioner's designee. A licensee is prohibited from collecting regulatory samples from the licensee's own growing locations.

C. A license holder or an authorized representative shall be present at the grow location during inspection and be available by telephone before or during the inspection, if possible. The landowner on record may be an authorized representative if authorized by the license holder. Authorization for entrance to and inspection of property and collection of hemp samples for testing must be granted by signature of the licensee as a part of the licensing process. If neither the license holder nor an authorized agent is planning to be present during the inspection and sampling event, communications with the license holder occurring before the inspection and sampling event must make the licensee and the sampling agent aware of the lots to be sampled, the location of the lots, and any other information pertinent to the inspection process.

D. The licensee must provide the sampling agent, the commissioner, or any law enforcement agency with complete and unrestricted access during business hours to:

(1) all areas where growing or harvested hemp and other cannabis plants are stored;

(2) all land, buildings, and other structures used for the cultivation, handling, producing, and storage of all hemp and other cannabis plants; and

(3) all locations listed in the producer's application and license.

E. A producer must not harvest a hemp lot unless a sample has been collected by the sampling agent no more than 30 days before the harvest. A sample must be collected by a sampling agent. A producer is prohibited from collecting a sample from the producer's own growing facility.

F. A sample collected according to established protocols approved by the commissioner are deemed representative of the location or lot from which the sample is obtained.

G. Lot compliance is based on whether the hemp THC level result determined on a dry weight basis includes a value of 0.3 percent within a range of values specified by plus or minus the measurement of uncertainty.

H. Any sample test result exceeding the acceptable hemp THC level is conclusive evidence that the lot represented by the sample is not in compliance with this chapter and must be disposed of or remediated in accordance with Code of Federal Regulations, title 7, section 990.27.

I. Any test result from a sample collected by the sampling agent is considered the official test result representing the lot.

J. A licensee must not commingle harvested lots of hemp plants with other harvested lots or other material without a proper Fit for Commerce certificate.

# Exempt Rules

---

---

K. If a licensee is notified by the commissioner that the licensee's location will not be inspected by the commissioner within 30 days before harvest, the licensee is required to submit a certificate of analysis from an approved testing lab to demonstrate that the licensee's lots are within acceptable hemp THC levels.

## **Subp. 3. Research and breeding.**

A. In addition to the requirements of part 1565.0400, an individual applying for a license to conduct hemp research and hemp breeding must submit to the commissioner a summary outlining the individual's objectives for performing hemp research or breeding, a timeline of activities, and a sampling plan that demonstrates a confidence level of 95 percent that no more than one percent of the plants in each lot would exceed the acceptable hemp THC level. The sampling plan must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide a disposal plan for any cannabis plants that are found to exceed the acceptable hemp THC level.

B. A research and breeding licensee must provide testing data to the commissioner when requested and may be subject to inspection, sampling, and testing by the commissioner.

C. Hemp that is grown for research purposes may not be offered for sale or otherwise enter the stream of commerce.

D. A hemp breeder must report all new varieties to the commissioner before release for commercial sale. A hemp breeder must also provide documentation that shows the varieties developed have been tested through a minimum of two generations to be at or below 0.3 percent THC.

## **1565.0700 CANNABIS PLANT; THC LEVEL OVER 0.3 PERCENT.**

Subpart 1. **Disposal of certain plants.** A cannabis plant with a THC level exceeding the acceptable hemp THC level constitutes marijuana, a Schedule I Controlled Substances Act drug, and the producer must dispose of the noncompliant plants.

Subp. 2. **Disposal requirements.** The producer must dispose of noncompliant plants by using a Drug Enforcement Agency-registered reverse distributor or law enforcement agency, or the producer must dispose of the noncompliant plants on site at the farm or the hemp production facility.

Subp. 3. **Remediation.** A producer may bring noncompliant plants through the remediation process. Noncompliant plants that have gone through the remediation process may be resampled and retested to ensure the plant material is within the acceptable hemp THC level before it may enter the stream of commerce. If the plant material tests above the acceptable hemp THC level, the plant material is noncompliant hemp and must be disposed.

Subp. 4. **Documentation.** A licensee must provide documentation to the commissioner in the form of in-person meetings, pictures, videos, or other proof to verify that proper disposal or remediation of noncompliant plants occurred successfully.

## **1565.0800 FIT FOR COMMERCE CERTIFICATION.**

Subpart 1. **Transferring hemp ownership.** A person must not transfer ownership of raw hemp to a processor or to the public without a Fit for Commerce certificate.

Subp. 2. **Acquiring raw hemp.** A processor must not acquire or process raw hemp grown within Minnesota without acquiring a copy of a Fit for Commerce certificate issued by the commissioner to the grower specific to the lot being purchased.

Subp. 3. **Drying or field-cleaning hemp.** For purposes of this part, "processing" does not include drying or field-cleaning of hemp. The licensee must notify the commissioner if the licensee is drying or field-cleaning hemp from the lot

in a location other than what is listed on the licensee's application or license.

Subp. 4. **Hemp from outside the state.** A licensed processor using hemp obtained from outside of Minnesota must maintain a bill of lading, certificate of analysis, and other proper documentation demonstrating that the hemp is from a source approved through another state or a federally approved plan. The licensee must retain such records for three years and produce them upon request of the commissioner, law enforcement, or other regulatory entity. Imported hemp products must meet all applicable state and federal laws.

## **1565.0900 TRANSPORTING HEMP.**

During transport of any raw hemp, the transporter must have in the transporter's possession:

A. a copy of the owner of the raw hemp's license, and, if different, the license of the individual receiving the raw hemp, a Fit for Commerce certificate, certificate of analysis, or equivalent; and

B. if the hemp is from another state, a bill of lading or other proper documentation demonstrating that the hemp was legally imported into Minnesota under applicable state and federal laws and from sources approved through another state or federally approved plan.

## **1565.1000 HEMP PROPAGULES.**

Subpart 1. **Record keeping.** To sell or purchase hemp propagules, a licensee must maintain the following documents on record for three years:

A. the lot number or other lot identification of the hemp propagule lot;

B. a copy of the genuine grower's declaration or similar documents containing the same information;

C. copies of invoices showing the sale of each propagule lot, including the name of the person the lot was sold to, the amount sold, the date of sale, the name of the variety, and the lot number;

D. a copy of the label that was attached to or accompanied the propagule lot;

E. a copy of the field and final certification documents, if applicable;

F. a copy of each report concerning the testing of hemp seed for labeling purposes, including the total THC concentration; and

G. a copy of required United States Department of Agriculture documents if importing the propagules from another country.

Subp. 2. **Hemp destruction required.** Upon suspension, revocation, expiration, or nonrenewal of a licensee's license under this chapter, the licensee must destroy any live cannabis plants without reimbursement.

Subp. 3. **Volunteer hemp plants.** When volunteer hemp plants are present, a licensee must either (1) destroy the volunteer hemp plants, or (2) register the location where the plants are present as a new grow location and pay any fees required by this chapter. The licensee must also update the location information with the Farm Service Agency.

Subp. 4. **Hemp seed labeler.** A hemp seed labeler selling seed in Minnesota must possess a current Minnesota seed permit and comply with Minnesota Statutes, sections 21.80 to 21.92, Minnesota Rules, parts 1510.0011 to 1510.0360, the Federal Seed Act under United States Code, title 7, sections 1551 to 1611, and Federal Seed Act Regulations under Code of Federal Regulations, title 7, part 201.

Subp. 5. **Prohibited sales.** A person must not sell hemp propagules for commercial purposes to any person in the state that is not licensed by the commissioner under this chapter. Upon request from the commissioner, a person selling hemp

# Exempt Rules

---

---

propagules for commercial purposes must provide records showing to whom hemp propagules were distributed.

Subp. 6. **Wild hemp.** A licensee must not acquire or grow hemp propagules of wild, landrace, or unknown origin without first obtaining written approval from the commissioner. Hemp clone lots must have the total THC concentration tested for each generation before sale of any plants from that lot.

## **1565.1100 HEMP PRODUCTION.**

Subpart 1. **Grow location.** Unless restricted by local ordinance or other state law, a person licensed under this chapter may grow hemp in any area zoned for agriculture.

Subp. 2. **Residential prohibition.** A person must not grow, dry, process, or store hemp plants in residential dwellings.

Subp. 3. **Compliance.** A person producing or processing hemp must comply with all federal and state pesticide, food, and feed laws.

## **1565.1200 HEMP DATA AND REPORTING REQUIREMENTS.**

Subpart 1. **Record keeping.** A licensee must maintain records regarding the acquisition, production, handling, selling, remediation, and disposal of all plants subject to this chapter. All records must be maintained for at least three years. A licensee's records and data maintained at a grow location or processing area are subject to an audit by the commissioner. A licensee must make available for inspection by the commissioner or the commissioner's designee during reasonable business hours or upon request by the commissioner all records required to be kept under this subpart.

Subp. 2. **Required notification.** A licensee must notify the commissioner and local law enforcement within 24 hours of discovery that any of the licensee's hemp is missing, has been stolen, or is suspected to have been modified or tampered with without the licensee's approval.

Subp. 3. **Copy of license.** A licensee must provide a copy of the licensee's license upon request by the commissioner or law enforcement at any time. A copy must be given to the landowner or facility owner where hemp is grown or processed if the landowner or facility owner is not the licensee.

Subp. 4. **Data transferring.** Any information obtained by the commissioner regarding a licensee's growing or production of hemp may be provided to federal, state, or local law enforcement agencies by the commissioner without further notice to the licensee.

Subp. 5. **Required report.** A producer must report the producer's hemp crop acreage to the Farm Service Agency as required by Code of Federal Regulations, title 7, part 990.7.

Subp. 6. **Required lab reports.** A laboratory approved by the commissioner to conduct regulatory samples of hemp for licensees under this chapter must report its results for all samples tested to the United States Department of Agriculture as required by Code of Federal Regulations, title 7, part 990.7. A laboratory must only submit test results used to determine compliance with this part. Test results from informal testing conducted throughout the growing season are not required to be reported to the United States Department of Agriculture.

Subp. 7. **Sampling agents information.** The commissioner must maintain information on sampling agents as required by federal law.

## **1565.1300 DENIALS AND VIOLATIONS.**

Subpart 1. **Disqualifying convictions.**

A. The commissioner must deny an application for a license if the applicant or a key participant has been convicted of any felony related to the possession, production, sale, or distribution of a controlled substance in any form.

within ten years of the date of the application.

B. If an individual, as described in part 1565.0300, subpart 3, has any felony related to the possession, production, sale, or distribution of a controlled substance on the individual's criminal history report, the individual is ineligible to produce hemp or participate in the hemp program under this chapter for ten years following the date of the conviction.

Subp. 2. **Seizure and destruction of hemp.** When the commissioner revokes a license or registration, any hemp in possession of the revoked party must be destroyed by the revoked party. If the hemp is not destroyed, it is subject to seizure and destruction by the commissioner or law enforcement. The revoked party is responsible for the cost of the seizure and destruction of the hemp.

Subp. 3. **Negligent violations.**

A. A producer is subject to corrective action under subpart 4 for negligently:

- (1) failing to provide an accurate legal description of land where hemp is produced;
- (2) producing hemp without a license; or
- (3) producing cannabis (marijuana) exceeding the acceptable hemp THC level.

B. A hemp producer is not negligent under this subpart if the producer makes reasonable efforts to grow hemp and the cannabis does not have a delta-9 tetrahydrocannabinol concentration exceeding the level defined in Code of Federal Regulations, title 7, part 990.6(b)(3).

Subp. 4. **Corrective actions for negligent violations.**

A. For each negligent violation, the commissioner must issue a Notice of Violation and require a corrective action plan for the producer. The producer must comply with the corrective action plan to cure the negligent violation. Corrective action plans must be in place for a minimum of two years from the date of the corrective plan's approval. The producer is subject to and must cooperate with additional inspections to ensure compliance with the corrective action plan.

B. Corrective action plans must, at a minimum, include:

- (1) the date by which the producer is required to correct each negligent violation;
- (2) steps to correct each negligent violation; and
- (3) a description of the procedures to demonstrate compliance.

C. A producer that negligently violates this part must not, as a result of the violation, be subject to any criminal enforcement by any federal, state, or local government.

D. If a subsequent violation occurs while a corrective action plan is in place, a new corrective action plan must be submitted with a heightened level of quality control, staff training, and quantifiable action measures.

E. The commissioner must revoke the license of a producer that has three negligent violations in a five-year period. The negligent producer is also ineligible to produce hemp for a period of five years beginning on the date of the third violation. Producers shall not receive more than one negligent violation per growing season.

Subp. 5. **Other violations.**

# Exempt Rules

---

---

A. If the commissioner determines that a licensee has violated the terms of the license or of this part with a culpable mental state greater than negligence, the commissioner must immediately report the violation to the United States Department of Agriculture, the United States Attorney General, and the chief law enforcement officer of the state.

B. When the terms of item A have been met, subparts 3 and 4 do not apply to the violation.

## **1565.1400 LICENSE REVOCATION.**

Subpart 1. **Immediate license revocation.** The commissioner must immediately revoke a license if a licensee:

A. pleads guilty to, or is convicted of, any felony related to a controlled substance;

B. made any materially false statement regarding the requirements of this chapter to the commissioner with a culpable mental state greater than negligence;

C. is found to be growing cannabis exceeding the acceptable hemp THC level with a culpable mental state greater than negligence; or

D. has negligently violated this chapter three times in five years.

Subp. 2. **Inspection interference.** It is unlawful for any person to hinder or obstruct an inspector from inspecting, sampling, or carrying out the duties under this chapter or Minnesota Statutes, chapter 18K.

## **1565.1500 LABORATORY REQUIREMENTS.**

After December 31, 2022, only laboratories registered with the Drug Enforcement Agency may conduct testing under this part. At a minimum, a laboratory conducting analytical testing of samples for delta-9 tetrahydrocannabinol concentration levels for purposes of the testing required by this chapter must:

A. use the postdecarboxylation value method or other similarly reliable methods approved by the commissioner and the United States Department of Agriculture;

B. determine and report the total delta-9 tetrahydrocannabinol concentration level on a dry weight basis;

C. estimate and report the measurement of uncertainty with test results; and

D. use appropriate, validated methods and procedures for all testing activities required under this chapter and evaluate the measurement of uncertainty.

## **Department of Human Services**

### **Adopted Exempt Permanent Rules Relating to Dialectical Behavior Therapy**

#### **9505.0372 COVERED SERVICES.**

*[For text of subparts 1 to 9, see Minnesota Rules]*

Subp. 10. **Dialectical behavior therapy (DBT).** Dialectical behavior therapy (DBT) treatment services must meet the following criteria:

*[For text of items A and B, see Minnesota Rules]*

C. To be eligible for DBT, a client must:

(+) ~~be 18 years of age or older;~~

---

---

# Exempt Rules

(2)(1) have mental health needs that cannot be met with other available community-based services or that must be provided concurrently with other community-based services;

(3)(2) meet one of the following criteria:

*[For text of units (a) and (b), see Minnesota Rules]*

(4)(3) understand and be cognitively capable of participating in DBT as an intensive therapy program and be able and willing to follow program policies and rules ~~assuring~~ ensuring safety of self and others; and

(5)(4) be at significant risk of one or more of the following if DBT is not provided:

*[For text of units (a) to (d), see Minnesota Rules]*

*[For text of items D to F, see Minnesota Rules]*

*[For text of subpart 11, see Minnesota Rules]*

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Executive Council, State Board of Investment, Land Exchange Board Official Meeting Notice

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, August 25, 2021 at 10:00 a.m. electronically or via Teleconference.

Notice, including any instructions for public access to the meeting, will be posted at the SBI office and on the SBI Website at <http://mn.gov/sbi>. For more information, the State Board of Investment can be reached at [minn.sbi@state.mn.us](mailto:minn.sbi@state.mn.us).

Some members of the Executive Council, State Board of Investment and Land Exchange Boards may participate in the meeting electronically. If a Board Member calls in, in accordance with *Minnesota Statutes*, section 13D.015, subd. 4, the Executive Council, State Board of Investment and Land Exchange Board shall, to the extent practical, allow a person to monitor the meeting electronically from a remote location. The person making a connection may be required to pay for documented marginal costs that the entity incurs as a result of the additional connection.

## Minnesota Historical Society (MNHS) Notice to Solicit Nominees to Historic Resources Advisory Committee

The Minnesota Historical Society (MNHS) seeks candidates to fill three open appointments to serve on the Historic Resources Advisory Committee (HRAC). Committee members make funding recommendations for grant requests of more than \$10,000 and provide policy and grant-making guidance for the Minnesota Historical and Cultural Heritage Grants program, funded by the Legacy Amendment's Arts and Cultural Heritage Fund. To be considered for a term starting on January 1, 2022, email 1) a letter of interest stating the reason(s) why you want to serve on the HRAC and 2) a resume to Carolyn Veesper-Egbide, Grants Manager, at [carolyn.veesper-egbide@mnhs.org](mailto:carolyn.veesper-egbide@mnhs.org) by September 3, 2021. If you have any questions, please email Carolyn. For more information, *visit our website*.

# State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

## Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/open-rfp.jsp>

# State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Website at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5,000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600. \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

## Department of Administration Notice of Call for Bids for Sale of Property

The State of Minnesota is offering for sale an approximately 20,200 square foot office and storage building located at 222 Plato Blvd. East in St. Paul. For a bid package, see: <https://mn.gov/admin/government/real-estate/sales-acquisitions/for-sale-and-lease.jsp>

## Department of Agriculture Farm Advocate Program Notice of Requests for Proposals for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of September 1, 2021 through June 30, 2023. Applicants must be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers' rights and responsibilities with the

ability to comprehend state and federal rules and regulations governing agricultural credit; have good communication skills (written, oral and listening); and have compassion for and interest in helping farmers.

Preference will be given to applicants with a farm background.

Resume deadline is **September 09, 2021 at 4:30 pm**. For more information, contact:

Matt McDevitt, Ag Finance Supervisor  
Minnesota Department of Agriculture  
625 Robert St. No. St. Paul, MN 5155  
Phone: (651) 201-6311  
*matthew.mcdevitt@state.mn.us*

## **Minnesota State Colleges and Universities (Minnesota State) Non-Construction Related Bid and Contracting Opportunities**

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website (<http://minnstate.edu/vendors/index.html>). New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

## **Minnesota State Colleges and Universities (Minnesota State) Lake Superior College Request for Bid for Low Voltage Lab Equipment**

**NOTICE IS HEREBY GIVEN** that bids are being solicited for low voltage lab equipment and components. This equipment will be used by students in the Electronics and Electrician programs at Lake Superior College.

For additional information or to request a copy of the Request for Bid, please contact:

Mike Francisco, Purchasing  
Lake Superior College  
2101 Trinity Road, Duluth MN 55811  
P: 218-733-5968 E: *purchasing@lsc.edu*

The RFB can also be found at <https://www.lsc.edu/rfp/>. Proposals are due at the Lake Superior College Business Office by 12:00pm CT on Friday, August 20th, 2021.

This notice and the Request for Bid do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Lake Superior College to award a contract; and reserves its right to withdraw from the RFB if it is considered to be in its best interest.

# State Contracts

---

---

## Minnesota State Colleges and Universities (Minnesota State) Normandale Community College Request for Proposals – Comprehensive Facilities Plan

Normandale Community College is seeking services of a consulting team to develop a new campus Comprehensive Facilities Plan, last updated 2015.

Proposals must be received by 10:00am on August 30th, 2021.

Contact for RFP please email:

Nissa Passmore  
*Nissa.Passmore@normandale.edu*  
Facilities Office Manager

## Minnesota State Colleges and Universities (Minnesota State) Normandale Community College Request for Proposals for Predesign Services for – Library Building

**Details:** Normandale Community College is seeking the services of a consulting team to develop a predesign for Library Building Pre-Design Project. Proposals are due 1:00 August 30th 2021.

Normandale Community College reserves the right to accept or reject proposals in order to best serve the interests of the College. This RFP shall not obligate Normandale Community College to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is not considered to be in its best interest.

Contact for RFP please email:

Nissa Passmore  
*Nissa.Passmore@normandale.edu*  
Facilities Office Manager

## Minnesota State Colleges and Universities (Minnesota State) Rochester Community and Technical College Notice of Request for Bid for Snow Plowing and Hauling Services

NOTICE IS HEREBY GIVEN that Rochester Community and Technical College Request for Bid (RFB) for snow plowing and hauling services.

To receive a copy of the RFB, send an e-mail to *June.meitzner@rctc.edu*

A mandatory meeting is scheduled for Tuesday, August 24, 2021, at 10:00 am. Bids are due back by Tuesday September 7, 2021 4:00 pm and are to be addressed to June Meitzner, Rochester Community and Technical College 851 30th Ave SE Rochester, MN 55904.

Faxes or emails are not acceptable.

Late Responses will not be considered.

Minnesota State College and Universities is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

## Board of Cosmetologist Examiners (BCE) Request for Proposals for an Infection Control Course Provider

**PROJECT NAME:** Infection Control Course Provider

**DETAILS:** The Minnesota Board of Cosmetology is seeking a contractor to develop and administer an infection control course. The infection control course is not offered to the general public. It is generally a remedial course for licensees who are required to take it under an order from the Board of Cosmetology Complaint Committee as a remedy per Minnesota Statute 155A.33 subdivision 4b.

Work is anticipated to start November 2021.

**COPY REQUEST:** To receive a copy of the Request for Proposals, please contact:

Tami Thein  
Minnesota Board of Cosmetology/Executive Assistant  
1000 University Avenue West, Suite 100  
St. Paul, MN 55104  
Phone: (651) 201-2748  
*tami.thein@state.mn.us*

**PROPOSAL DEADLINE:** Proposals in response to the Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, September 8, 2021. Late proposals will not be considered.** Faxed or emailed proposals will not be considered.

This request does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest. All costs incurred in responding to this solicitation will be borne by the responder.

## Minnesota Historical Society (MNHS) Request for Bids for Landscape Interpretive Signage at Historic Fort Snelling

The Minnesota Historical Society (MNHS) is soliciting bids from qualified contractors (Contractor) to work collaboratively with MNHS to fabricate and install landscape interpretive signage at Historic Fort Snelling (Site) as part of a larger Revitalization project. The goal of this work is to fabricate, coordinate, deliver, and install cohesive landscape interpretive signage within the project area for the Historic Fort Snelling Revitalization project.

This is a prevailing wage project.

The Request for Bids front-end documents are available by contacting Mary Green Toussaint, Contract Manager, Minnesota Historical Society, by e-mail only: *mary.green-toussaint@mnhs.org*

There will be a **MANDATORY** pre-bid meeting for all interested parties on **Thursday, August 26, 2021 at 1:00 P.M. Local Time** at Historic Fort Snelling 200 Tower Avenue, St Paul

All bids must be received in .pdf format only by Mary Green Toussaint, Contract and Purchasing Manager, at *mary.green-toussaint@mnhs.org* no later than **2:00 P.M. Local Time Wednesday September 8, 2021.** Due to the ongoing pandemic, there will be no public bid opening.

# State Contracts

---

## Minnesota Historical Society (MNHS)

### Request for Proposals for Website Rebuild for the Minnesota Historical Society

The Minnesota Historical Society (MNHS) is soliciting proposals from qualified consultants to work collaboratively with MNHS to redesign and rebuild its public facing website, MNHS.ORG.

The Minnesota Historical Society seeks to redesign and rebuild its website to better serve its diverse audiences. The current site has gone through various iterations and has been updated section by section over the past two decades. This redesign and rebuild project aims to take a holistic approach to address design, content, platform, and integration across the board. The redesign is also partially driven by the timeline to move the site off outdated and expiring platforms (Drupal 7 and outdated PHP).

The Request for Proposal is available by contacting Mary Green Toussaint, Contract Manager, Minnesota Historical Society, by e-mail only: [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org)

All bids must be received in .pdf format only by Mary Green Toussaint, Contract and Purchasing Manager, at [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org) no later than **2:00 P.M. Local Time Thursday, September 9, 2021**. Due to the ongoing pandemic, there will be no public bid opening.

## Minnesota Department of Transportation (MnDOT)

### Engineering Services Division

#### Notices Regarding Professional/Technical (P/T) Contracting

**P/T Contracting Opportunities:** MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

**Taxpayers' Transportation Accountability Act (TTAA) Notices:** MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

**MnDOT's Prequalification Program:** MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

**MnDOT Consultant Services website:** [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

# Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

## Anderson Center for Interdisciplinary Studies, Inc. Request for Proposals - Historic Water Tower Balcony Painting Restoration

The Anderson Center for Interdisciplinary Studies, Inc., at 163 Tower View Drive in Red Wing, MN is publishing a Request for Proposals for Painting Restoration of the balcony wall and bottom for the Historic Water Tower. The Anderson Center has received a grant from the Minnesota Historical Society via the Arts and Cultural Heritage Fund. The work must be completed by October 15, 2021.

The Request for Proposal is available at [https://www.andersoncenter.org/wp-content/uploads/2021/08/Water\\_Tower\\_Balcony\\_Painting\\_RFP.pdf](https://www.andersoncenter.org/wp-content/uploads/2021/08/Water_Tower_Balcony_Painting_RFP.pdf)

A site visit prior to submitting a proposal is mandatory. The emailed proposals are due by 4:00 P.M. on August 27, 2021, to [joe@andersoncenter.org](mailto:joe@andersoncenter.org)

For questions please contact Joe Loer, Property & Finance Director, at the email above or call 651-388-2009, ext 3.

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2021 Miscellaneous Airfield Construction Phase 2 - Airfield Sign Modifications

<b>Project Location:</b>	<b>Minneapolis-St. Paul International Airport</b>
<b>Project Name:</b>	<b>2021 Miscellaneous Airfield Construction Phase 2 - Airfield Sign Modifications</b>
<b>MAC Contract No.</b>	<b>106-1-326</b>
<b>Bids Close At:</b>	<b>2:00 PM on September 14, 2021</b>
<b>Bid Opening At:</b>	<b>3:00 PM on September 14, 2021 via teleconference</b>
<b>Teleconference Dial In #:</b>	<b>+16124056798</b>
<b>Conference ID #:</b>	<b>681090675#</b>

**Notice to Contractors:** Sealed bid proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for the removal and installation of airfield signs and associated electrical and site work.

**Note:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to *MAC's E-News Subscription Service* and choose this and other topics about which you are interested.

# Non-State Public Bids, Contracts & Grants

**Disadvantaged Business Enterprises (DBE):** The goal of the MAC for the utilization of Disadvantaged Business Enterprises (DBE) on this project is 7.0%.

**Bid Security:** Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of TKDA, the Minnesota Builders Exchange, Dodge Data and Analytics, and NAMC-UM Plan Room. Digital copies of the drawings and specifications will also be available at [www.questcdn.com](http://www.questcdn.com). Documents may be downloaded for a non-refundable fee of \$50.00 by entering Quest Project No. 7951704 on the Project Search page. Please contact QuestCDN at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance and free membership registration. Hard copy drawings and specifications will not be made available to Bidders.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on August 16, 2021, at MAC's web address of *MAC's Construction Bids Website* (construction bids).

