

Every health plan as defined in section 62Q.01, subdivision 3, that provides maternity benefits must, consistent with other coinsurance, copayment, deductible, and related contract terms, provide coverage of a minimum of 48 hours of inpatient care following a vaginal delivery and a minimum of 96 hours of inpatient care following a caesarean section for a mother and her newborn. The health plan shall not provide any compensation or other nonmedical remuneration to encourage a mother and newborn to leave inpatient care before the duration minimums specified in this section.

The health plan must also provide coverage for postdelivery care to a mother and her newborn if the duration of inpatient care is less than the minimums provided in this section.

Postdelivery care consists of a minimum of one home visit by a registered nurse. Services provided by the registered nurse include, but are not limited to, parent education, assistance and training in breast and bottle feeding, and conducting any necessary and appropriate clinical tests. The home visit must be conducted within four days following the discharge of the mother and her child.

#### Sec. 2. **EFFECTIVE DATE; APPLICATION.**

Section 1 is effective the day following final enactment and applies to health plans issued or renewed to provide coverage to a Minnesota resident on or after that date.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 3:40 p.m.

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### CHAPTER 336—H.F.No. 732

*An act relating to commerce; regulating the enforcement of copyright licenses on certain non-dramatic musical works and similar works; requiring certain notices; prohibiting certain practices; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.*

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

#### Section 1. **[325E.50] DEFINITIONS.**

Subdivision 1. **TERMS.** For purposes of sections 325E.50 to 325E.57, the terms defined in this section have the meanings given them.

Subd. 2. **COPYRIGHT OWNER.** "Copyright owner" means the owner of a copyright of a nondramatic musical work recognized and enforceable under the copyright laws of the United States under United States Code, title 17, sections 101 to 810.

Subd. 3. **PERFORMING RIGHTS SOCIETY.** "Performing rights society" means an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners, such as the American Society of Composers, Authors, and Publishers (ASCAP); Broadcast Music, Inc. (BMI); and SESAC, Inc.

New language is indicated by underline, deletions by strikeout.

Subd. 4. **PROPRIETOR.** "Proprietor" means the owner of a retail establishment, office, restaurant, inn, bar, tavern, or any other similar establishment or place of business located in this state in which the public may assemble and in which nondramatic musical works may be performed, broadcast, or otherwise transmitted.

Subd. 5. **ROYALTY OR ROYALTIES.** "Royalty" or "royalties" means the license fees payable by a proprietor to a performing rights society for the public performance of nondramatic musical works.

#### Sec. 2. **[325E.51] LICENSING NEGOTIATIONS.**

No performing rights society shall enter into, or offer to enter into, a contract for the payment of royalties by a proprietor unless at the time of the offer, or any time thereafter, but no later than 72 hours prior to the execution of that contract, it provides to the proprietor, in writing, the following:

- (1) a schedule of the rates and terms of royalties under the contract;
- (2) upon the request of the proprietor, the opportunity to review the most current available list of the members or affiliates represented by the society; and
- (3) notice that it will make available, upon written request of any proprietor, at the sole expense of the proprietor, the most current available listing of the copyrighted musical works in the performing rights society's repertory, provided that the notice shall specify the means by which the information can be secured.

#### Sec. 3. **[325E.52] ROYALTY CONTRACT REQUIREMENTS.**

Every contract for the payment of royalties between a proprietor and a performing rights society executed in this state must be in writing and signed by the parties and must include, at a minimum, the following information:

- (1) the proprietor's name and business address and the name and location of each place of business to which the contract applies;
- (2) the name of the performing rights society;
- (3) the duration of the contract; and
- (4) the schedule of rates and terms of the royalties to be collected under the contract, including any sliding scale or schedule for any increase or decrease of rates for the duration of the contract.

#### Sec. 4. **[325E.53] IMPROPER LICENSING PRACTICES.**

No performing rights society or any agent or employee of a performing rights society shall: (1) collect, or attempt to collect, from a proprietor licensed by that performing rights society, a royalty payment except as provided in a contract executed pursuant to this act; or (2) enter into the premises of a proprietor's business for the purpose of discussing a contract for payment of royalties for the use of copyrighted works by that proprietor without first identifying himself or herself to the proprietor or the proprietor's employees and disclosing that the agent is acting on behalf of the performing rights society and disclosing the purpose of this discussion.

New language is indicated by underline, deletions by ~~strikeout~~.

**Sec. 5. [325E.54] INVESTIGATION.**

Nothing in sections 325E.50 to 325E.57 shall be construed to prohibit a performing rights society from conducting investigations to determine the existence of music use by a proprietor or informing a proprietor of the proprietor's obligation under the federal copyright law, United States Code, title 17.

**Sec. 6. [325E.55] REMEDIES; INJUNCTION.**

A person who suffers a violation of sections 325E.50 to 325E.57 may bring an action to recover actual damages and reasonable attorney's fees and seek an injunction or any other available remedy.

**Sec. 7. [325E.56] REMEDIES CUMULATIVE.**

The rights, remedies, and prohibitions contained in sections 325E.50 to 325E.57 are in addition to and cumulative of any other right, remedy, or prohibition accorded by common law, or state or federal law. Nothing contained in sections 325E.50 to 325E.57 shall be construed to deny, abrogate, or impair any such common law or statutory right, remedy, or prohibition.

**Sec. 8. [325E.57] EXCEPTIONS.**

Sections 325E.50 to 325E.57 do not apply to contracts between copyright owners or performing rights societies and broadcasters licensed by the Federal Communications Commission, or to contracts with cable operators, programmers, or other transmission services. Sections 325E.50 to 325E.57 do not apply to musical works performed in synchronization with an audio/visual film or tape, or to the gathering of information for determination of compliance with or activities related to the enforcement of sections 325E.169 to 325E.201.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 3:42 p.m.

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**CHAPTER 337—H.F.No. 168**

*An act relating to insurance; modifying requirements related to nonrenewal of homeowner's insurance; amending Minnesota Statutes 1994, section 65A.29, subdivision 11.*

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

Section 1. Minnesota Statutes 1994, section 65A.29, subdivision 11, is amended to read:

Subd. 11. **NONRENEWAL PLAN.** Every insurer shall establish a plan that sets out the minimum number and amount of claims during an experience period that may result in a nonrenewal. A clear and concise written statement of this plan must be provided to the insured when any future losses may result in nonrenewal of the policy.

New language is indicated by underline, deletions by ~~strikeout~~.