



(<http://www.health.state.mn.us/index.html>)

Minnesota Department of Health

Rulemaking for Radon Licensing in Minnesota

Indoor Air Unit

The 2015 Minnesota Legislature passed the Minnesota Radon Licensing Act, Minnesota Statutes 144.4961, which was signed into law in May 2015. The Act gives MDH the authority to write rules and enforce laws related to the radon industry. On July 1, 2015, MDH will begin the rule making process and will complete the rule making process by 2017. Beginning October 1, 2017, the rules developed over the prior two years will go into effect. Professionals and companies that measure for radon, mitigate for radon or perform radon analysis in the State of Minnesota will be required to be licensed and use system tags.

There are currently no requirements for professionals. All licensing requirements will begin October 1, 2017.

[Minnesota Statutes, 144.4961 Minnesota Radon Licensing Act \(PDF\) \(http://www.health.state.mn.us/divs/eh/indoorair/radon/rulemaking/licenseact.pdf\)](http://www.health.state.mn.us/divs/eh/indoorair/radon/rulemaking/licenseact.pdf)

[State Registrar Request for Comments on Possible Rules Governing Licensing of Radon Professionals \(see page 190 & 191\) \(http://www.comm.media.state.mn.us/bookstore/stateregister/40_07.pdf\)](http://www.comm.media.state.mn.us/bookstore/stateregister/40_07.pdf)

[Radon Licensing Rules Draft August 2015 \(PDF\) \(http://www.health.state.mn.us/divs/eh/indoorair/radon/rulemaking/draftlicensingrules.pdf\)](http://www.health.state.mn.us/divs/eh/indoorair/radon/rulemaking/draftlicensingrules.pdf)

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Updated Monday, August 17, 2015 at 09:41AM

Sec. 24. **[144.4961] MINNESOTA RADON LICENSING ACT.**

Subdivision 1. **Citation.** This section may be cited as the "Minnesota Radon Licensing Act."

Subd. 2. **Definitions.**

- (a) As used in this section, the following terms have the meanings given them.
- (b) "Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.
- (c) "Radon" means both the radioactive, gaseous element produced by the disintegration of radium, and the short-lived radionuclides that are decay products of radon.

Subd. 3. **Rulemaking.**

The commissioner of health shall adopt rules for licensure and enforcement of applicable laws and rules relating to indoor radon in dwellings and other buildings, with the exception of newly constructed Minnesota homes according to section 326B.106, subdivision 6. The commissioner shall coordinate, oversee, and implement all state functions in matters concerning the presence, effects, measurement, and mitigation of risks of radon in dwellings and other buildings.

Subd. 4. **System tag.**

All radon mitigation systems installed in Minnesota on or after October 1, 2017, must have a radon mitigation system tag provided by the commissioner. A radon mitigation professional must attach the tag to the radon mitigation system in a visible location.

Subd. 5. **License required annually.**

A license is required annually for every person, firm, or corporation that sells a device or performs a service for compensation to detect the presence of radon in the indoor atmosphere, performs laboratory analysis, or performs a service to mitigate radon in the indoor atmosphere. This section does not apply to retail stores that only sell or distribute radon sampling but are not engaged in the manufacture of radon sampling devices.

Subd. 6. **Exemptions.**

Radon systems installed in newly constructed Minnesota homes according to section 326B.106, subdivision 6, prior to the issuance of a certificate of occupancy are not required to follow the requirements of this section.

Subd. 7. **License applications and other reports.**

The professionals, companies, and laboratories listed in subdivision 8 must submit applications for licenses, system tags, and any other reporting required under this section and Minnesota Rules on forms prescribed by the commissioner.

Subd. 8. **Licensing fees.**

- (a) All radon license applications submitted to the commissioner of health must be accompanied by the required fees. If the commissioner determines that insufficient fees were paid, the necessary additional fees must be paid before the commissioner approves the application. The commissioner shall charge the following fees for each radon license:

- (1) Each measurement professional license, \$300 per year. "Measurement professional" means any person who performs a test to determine the presence and concentration of radon in a building they do not own or lease; provides professional or expert advice on

radon testing, radon exposure, or health risks related to radon exposure; or makes representations of doing any of these activities.

(2) Each mitigation professional license, \$500 per year. "Mitigation professional" means an individual who performs radon mitigation in a building they do not own or lease; provides professional or expert advice on radon mitigation or radon entry routes; or provides on-site supervision of radon mitigation and mitigation technicians; or makes representations of doing any of these activities. This license also permits the licensee to perform the activities of a measurement professional described in clause (1).

(3) Each mitigation company license, \$500 per year. "Mitigation company" means any business or government entity that performs or authorizes employees to perform radon mitigation. This fee is waived if the company is a sole proprietorship.

(4) Each radon analysis laboratory license, \$500 per year. "Radon analysis laboratory" means a business entity or government entity that analyzes passive radon detection devices to determine the presence and concentration of radon in the devices. This fee is waived if the laboratory is a government entity and is only distributing test kits for the general public to use in Minnesota.

(5) Each Minnesota Department of Health radon mitigation system tag, \$75 per tag. "Minnesota Department of Health radon mitigation system tag" or "system tag" means a unique identifiable radon system label provided by the commissioner of health.

(b) Fees collected under this section shall be deposited in the state treasury and credited to the state government special revenue fund.

Subd. 9. Enforcement.

The commissioner shall enforce this section under the provisions of sections 144.989 to 144.993.

EFFECTIVE DATE.

This section is effective July 1, 2015, except subdivisions 4 and 5, which are effective October 1, 2017.

Rulemaking Progress Chart

