

490.1705 Annual benefit report.

1. No less than annually, a benefit corporation shall prepare a benefit report addressing the efforts of the corporation during the preceding year to operate in a responsible and sustainable manner, to pursue any public benefit or benefits identified in any public benefit provision, and to consider the interests described in [section 490.1704, subsection 2](#). The annual benefit report must include all of the following:

a. The objectives that the board of directors has established for the corporation to operate in a responsible and sustainable manner, to pursue any public benefit or benefits identified in any public benefit provision, and to consider the interests described in [section 490.1704, subsection 2](#).

b. The standards the board of directors has adopted to measure the corporation's progress in operating in a responsible and sustainable manner, in pursuing the public benefit or benefits identified in any public benefit provision, and in considering the interests described in [section 490.1704, subsection 2](#).

c. If the articles of incorporation or bylaws require that the corporation use an independent third-party standard in reporting on the corporation's progress in operating in a responsible and sustainable manner, in pursuing any public benefit or benefits identified in any public benefit provision, or in considering the interests described in [section 490.1704, subsection 2](#), or if the board of directors has chosen to use such a standard, the applicable standard so required or chosen.

d. An assessment of the corporation's success in meeting the objectives and standards identified in paragraphs "a" and "b", and, if applicable, paragraph "c", and the basis for that assessment.

2. The benefit corporation shall deliver to each shareholder, or make available and provide written notice to each shareholder of the availability of, the annual benefit report required by [subsection 1](#) on or before the earlier of the following:

a. One hundred twenty days following the end of the fiscal year of the benefit corporation.

b. The time that the benefit corporation delivers any other annual reports or annual financial statements to its shareholders.

3. Any shareholder that has not received or been given access to an annual benefit report within the time required by [subsection 2](#) may make a written request that the corporation deliver or make available the annual benefit report to the shareholder. If a benefit corporation does not deliver or make available an annual benefit report to the shareholder within five business days of receiving such request, the requesting shareholder may apply to the district court of the county where the corporation's principal office or, if none in this state, its registered office, is located for an order requiring delivery of or access to the annual benefit report. The court shall dispose of an action under [this subsection 3](#) on an expedited basis.

4. A benefit corporation shall post all of its annual benefit reports on the public portion of its internet site, if any. If a benefit corporation does not have an internet site, the benefit corporation shall provide a copy of its most recent annual benefit report, without charge, to any person that requests a copy in writing.

2021 Acts, ch 165, §210, 230

Referred to in [§490.1706](#)

Section effective January 1, 2022; 2021 Acts, ch 165, §230

NEW section