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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1279

02/06/2023

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to crime; requiring state to pay medical examination costs for criminal
1.3 sexual conduct victim; amending Minnesota Statutes 2022, section 609.35.

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

1.5 Section 1. Minnesota Statutes 2022, section 609.35, is amended to read:

1.6 **609.35 COSTS OF MEDICAL EXAMINATION.**

1.7 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
1.8 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
1.9 licensed health care provider for the examination of a victim of criminal sexual conduct
1.10 ~~when the examination is performed for the purpose of gathering evidence~~ that occurred in
1.11 the state shall be paid by the ~~county in which the criminal sexual conduct occurred~~ state.

1.12 These costs include, but are not limited to, the full cost of the rape kit medical forensic
1.13 examination, associated tests and treatments relating to ~~the complainant's~~ sexually transmitted
1.14 ~~disease status~~ infection, and pregnancy status, including emergency contraception.

1.15 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
1.16 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
1.17 licensed health care provider performing the examination may seek insurance reimbursement
1.18 from the victim's insurer only if authorized by the victim. This authorization may only be
1.19 sought after the examination is performed. When seeking this authorization, the ~~county~~
1.20 hospital shall inform the victim that if the victim does not authorize this, the ~~county~~ state
1.21 is required by law to pay for the examination and that the victim is in no way liable for these
1.22 costs or obligated to authorize the reimbursement.

2.1 (c) The applicability of this section does not depend upon whether the victim reports
2.2 the offense to law enforcement or the existence or status of any investigation or prosecution.

2.3 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
2.4 examination that occurs on or after that date.