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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 4568

03/23/2026 Authored by Knudsen and Davis The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; providing life-sustaining treatment for unemancipated minor
1.3 patients; proposing coding for new law in Minnesota Statutes, chapter 144.

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

1.5 Section 1. [144.609] LIFE-SUSTAINING TREATMENT FOR UNEMANCIPATED
1.6 MINORS.

1.7 Subdivision 1. Short title. This section shall be known and may be cited as "Simon's
1.8 Law."

1.9 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
1.10 meanings given.

1.11 (b) "Order not to resuscitate" means a health care provider's order that resuscitation
1.12 measures shall not be provided to a person under a health care provider's care in the event
1.13 the person is found to have cardiopulmonary cessation. An order not to resuscitate shall
1.14 include but is not limited to orders written as "do not resuscitate" or "DNR"; "do not attempt
1.15 resuscitation" or "DNAR"; "allow natural death" or "AND"; or "do not allow resuscitative
1.16 measures."

1.17 (c) "Reasonable medical judgment" means a health care provider's medical judgment
1.18 that is made by a reasonably prudent health care provider who is knowledgeable about a
1.19 patient's case and the treatment possibilities for the medical conditions involved.

1.20 (d) "Unemancipated minor" means a minor who is not married or is not in active military
1.21 service, including a born alive infant from the moment of birth. Unemancipated minor does

2.1 not include a minor who has borne a child who is living apart from his or her parents and
2.2 managing his or her own financial affairs.

2.3 Subd. 3. **Order not to resuscitate; notice.** (a) An order not to resuscitate, an order to
2.4 withhold artificial life-sustaining treatment, an order to withhold artificially administered
2.5 nutrition and hydration, and a similar health care provider order shall not be instituted, either
2.6 orally or in writing, unless at least one parent or legal guardian of an unemancipated minor
2.7 who is a patient or resident of a hospital or health care facility under whose care the
2.8 unemancipated minor has been admitted has first been notified of the health care provider's
2.9 intent to institute the order and reasonable attempts have been made to notify any other
2.10 parent or legal guardian, provided the other parent or legal guardian is reasonably available
2.11 and has custodial or visitation rights. The notification must be provided both orally and in
2.12 writing to at least one parent or legal guardian of the unemancipated minor patient unless,
2.13 in the health care provider's reasonable medical judgment, the urgency of the decision
2.14 requires reliance on only providing the information orally.

2.15 (b) The notification must also include informing the parent or legal guardian of the
2.16 48-hour provision in subdivision 5. Unless the parent or legal guardian agrees with the
2.17 implementation of an order not to resuscitate, an order to withhold life-sustaining treatment,
2.18 an order to withhold artificial nutrition and hydration, or a similar health care provider's
2.19 order, the order shall not be instituted until at least 48 hours after oral and written notice
2.20 has been provided to at least one parent or legal guardian in accordance with this section.
2.21 The notification must be contemporaneously recorded in the patient's medical record,
2.22 specifying by whom and to whom the notification was given, the date and time of its
2.23 provision, and whether it was provided in writing as well. When only one parent or guardian
2.24 has been notified, the nature of reasonable attempts to inform the other parent or guardian,
2.25 or the reason why attempts were not made, must also be contemporaneously recorded in
2.26 the unemancipated minor patient's medical record.

2.27 Subd. 4. **Exception.** The requirements of subdivision 3 do not apply if the health care
2.28 provider after 72 hours of diligent efforts is unable to contact and notify at least one known
2.29 parent or legal guardian of the unemancipated minor patient of the intent to implement an
2.30 order not to resuscitate, an order to withhold life-sustaining treatment, an order to withhold
2.31 artificial nutrition and hydration, or a similar health care provider's order.

2.32 Subd. 5. **Transfer process.** (a) Within 48 hours of a notice of the intent to institute an
2.33 order not to resuscitate, an order to withhold life-sustaining treatment, an order to withhold
2.34 artificial nutrition and hydration, or a similar health care provider's order according to

3.1 subdivision 3, a parent or legal guardian may request a transfer of the unemancipated minor
3.2 patient or resident to another facility or to be discharged.

3.3 (b) During the 72 hours of attempting to contact a parent or legal guardian, and the 48
3.4 hours in which a parent or legal guardian may consider whether or not to transfer a minor
3.5 patient, the hospital or health care facility under whose care the unemancipated minor patient
3.6 is admitted must continue to provide life-sustaining treatment and life-sustaining artificial
3.7 nutrition and hydration for a minimum of 15 days if a parent or legal guardian of the
3.8 unemancipated minor patient or resident requests a transfer and the notice requirements in
3.9 this section have been met. After the transfer request has been made, the hospital or health
3.10 care facility must make every reasonable effort to assist the requesting parent or legal
3.11 guardian in the transfer process.

3.12 (c) The health care provider shall not interfere with the efforts of the parent or legal
3.13 guardian to obtain other medical opinions or a transfer of the unemancipated minor patient
3.14 to another health care provider selected by the parent or legal guardian. If requested by the
3.15 unemancipated minor patient's parent or legal guardian, the attending health care provider
3.16 shall provide immediate access to the unemancipated minor patient's medical records to the
3.17 licensed health care providers designated by the parent or legal guardian for that purpose.
3.18 The attending health care provider shall not hinder or delay the necessary measures,
3.19 mechanisms, or procedures for the unemancipated minor patient, including but not limited
3.20 to an immediate tracheotomy or gastrostomy tube if required to facilitate a transfer to another
3.21 medical facility or long-term treatment facility.

3.22 (d) The parent or legal guardian of the unemancipated minor patient shall not be hindered
3.23 or delayed by an attending health care provider, unless the unemancipated minor patient
3.24 has sustained irreversible circulatory and respiratory functions or all functions of the entire
3.25 brain, including the brain stem. There is a presumption that the continuation of life is in the
3.26 unemancipated minor patient's best interest.

3.27 (e) If a transfer cannot be arranged and executed within 15 days from the parent's or
3.28 legal guardian's request to transfer, an order not to resuscitate, an order to withhold artificial
3.29 life-sustaining treatment, an order to withhold artificial nutrition and hydration, or a similar
3.30 health care provider's order may be instituted.

3.31 (f) Nothing in this section shall be construed to limit the health care bill of rights pursuant
3.32 to section 144.651.

3.33 Subd. 6. **Revocation of prior consent; court authority.** (a) Consent to an order not to
3.34 resuscitate or a similar order previously given under subdivision 3 may be revoked orally

4.1 or in writing by the parent or legal guardian of the unemancipated minor patient or resident
4.2 who granted the original permission. The revocation of prior consent shall take precedence
4.3 over any prior consent to implement a do-not-resuscitate or do-not-attempt-to-resuscitate,
4.4 an order to allow natural death, or an order that states do not allow resuscitation measures,
4.5 or a physician order intended to halt treatment or similar physician's order shall be
4.6 immediately recorded in the unemancipated minor patient's or resident's medical record,
4.7 specifying who provided the information, to whom the information was provided, which
4.8 parent or legal guardian revoked consent, who the witnesses were, and the date and time
4.9 the revocation was obtained.

4.10 (b) A court of law or equity shall not have the authority to require the withdraw of
4.11 life-sustaining procedures from an unemancipated minor patient over the objection of the
4.12 parent or legal guardian unless there is destruction of the circulatory and respiratory systems
4.13 and the entire brain, including the brain stem of the child.

4.14 (c) For a child under juvenile court jurisdiction, a juvenile or family court may not issue
4.15 a medical decision order to withhold treatment, if that order would be reasonably expected
4.16 to result in the death of the child, without first appointing a guardian ad litem to act in the
4.17 best interest of the child. The Department of Children, Youth, and Families shall not be
4.18 appointed as guardian for a child to make medical decisions to withhold treatment that
4.19 would result in the death of the child, including orders not to resuscitate, an order not to
4.20 attempt to resuscitate, an order to allow natural death, or an order that states to not allow
4.21 resuscitative measures, or similar orders. In the event a child under the jurisdiction of a
4.22 juvenile or family court is returned to the custody of the legal guardian or parent, the legal
4.23 guardian or parent may revoke the consent for medical decisions or similar physician's
4.24 orders ordered by the court, including do-not-resuscitate orders for the patient. Revocation
4.25 of consent may be orally or in writing and shall be immediately recorded in the patient's
4.26 medical records, specifying who provided the information, to whom the information was
4.27 provided, which parent or legal guardian revoked consent, who the witnesses were, and the
4.28 date and time the revocation was obtained.

4.29 (d) For the purposes of this section, a relative caregiver shall have the same authority
4.30 given to a parent or legal guardian of an unemancipated minor patient or resident under 18
4.31 years of age, provided that such a patient or resident is not under juvenile or family court
4.32 jurisdiction.

4.33 Subd. 7. Cause of action. Any parent, guardian, relative caregiver, sibling, or grandparent
4.34 of an unemancipated minor patient who dies or is injured as a result of a do-not-resuscitate
4.35 order in which the parent, legal guardian, or relative caregiver whose rights under the

5.1 provisions of this section were violated or delayed may maintain an action for death of or
5.2 injury to the unemancipated minor patient, including a born alive infant, against the person
5.3 whose responsibility it was to notify the parent, guardian, or relative caregiver.

5.4 Subd. 8. **Mandatory reporting of violations.** (a) A health care practitioner or any
5.5 employee of a hospital, a health care facility, a residential facility, a physician's office, or
5.6 an abortion facility who has knowledge of a failure to comply with the requirements of
5.7 subdivision 3 shall immediately report the failure to an appropriate state law enforcement
5.8 agency.

5.9 (b) Any responsible medical personnel that does not take all reasonable measures
5.10 consistent with the provisions of this section may be subject to the suspension or revocation
5.11 of that person's professional license by the professional board with authority over that person.

5.12 (c) Nothing in this subdivision shall be construed to hold a parent or legal guardian
5.13 criminally or civilly liable for the actions of a physician, nurse, or other licensed health care
5.14 provider in violation of this section to which the parent or legal guardian did not give consent.

5.15 Subd. 9. **Limitations on treatment.** (a) Nothing in this section shall be construed to
5.16 require any health care facility, nursing home, physician, nurse, or medical staff to provide
5.17 or continue any treatment, including resuscitative efforts, food, medication, oxygen,
5.18 intravenous fluids, or nutrition, that would be medically inappropriate because, in the medical
5.19 professional's reasonable medical judgment, providing such treatment would:

5.20 (1) create a greater risk of causing or hastening the death of the patient; or

5.21 (2) be potentially harmful or cause unnecessary pain, suffering, or injury to the patient.

5.22 (b) Nothing in this section shall require health care providers to continue cardiopulmonary
5.23 resuscitation or manual ventilation beyond a time in which, in the health care provider's
5.24 reasonable medical judgment, there is no further benefit to the patient or likely recovery of
5.25 the patient.

5.26 Subd. 10. **Policy disclosures.** Upon the request of a parent or legal guardian of an
5.27 unemancipated minor patient or resident or a prospective patient or resident, a health care
5.28 provider shall disclose verbally and in writing any policies involving resuscitation or
5.29 life-sustaining measures, including any policies relating to measures deemed not beneficial,
5.30 ineffective, futile, or inappropriate. Nothing in this section shall be construed to require a
5.31 provider to have a written policy relating to resuscitation, life-sustaining measures, or
5.32 measures deemed not beneficial, ineffective, futile, or inappropriate for patients or residents.

6.1 Subd. 11. **Severability.** If any one or more provision, subdivision, sentence, clause,
6.2 phrase, or word of this section or the application thereof, to any person or circumstance is
6.3 found to be unconstitutional, the same is declared to be severable and the balance of this
6.4 section shall remain in effect notwithstanding the unconstitutional part. The legislature
6.5 declares that it would have passed this section, and each provision, subdivision, sentence,
6.6 clause, phrase, or word thereof, irrespective of the fact that any one or more provision,
6.7 section, subdivision, sentence, clause, phrase, or word is declared unconstitutional.