

# Chapter 31

2023 Regular Session

**Subject** Provisions applying to persons receiving or providing reproductive health care

**Bill** H.F. 366

**Analyst** Elisabeth Klarqvist  
Mary Davis  
Ben Johnson

**Date** April 27, 2023

## Overview

This act establishes provisions that apply to persons receiving or providing reproductive health care. It requires patient consent for the release of health records relating to reproductive health care; prohibits disciplinary action against health care providers for certain acts related to providing reproductive health care; prohibits individuals from being disqualified from certain positions for accessing or providing reproductive health care; prohibits enforcement of certain subpoenas or judgments from other states related to pregnancy termination; establishes a cause of action for a person who was sued for using reproductive health care services; and prohibits certain extraditions and arrests for acts in other states related to reproductive health care.

## Summary

Section	Description
1	<p><b>Health records; reproductive health care services.</b></p> <p>Adds § 144.2935. Amends the Health Records Act, to specify that the following do not constitute specific authorization in law authorizing the release of a patient's health records:</p> <ul style="list-style-type: none"><li>▪ another state's law authorizing a civil or criminal subpoena to obtain a patient's health records relating to reproductive health care services; or</li><li>▪ an order issued by a court in another state authorizing an investigation or enforcement of another state's law that restricts or establishes penalties for providing or receiving reproductive health care services.</li></ul>

With this section, a patient's health records cannot be released without consent from the patient or patient's representative authorizing the release, or without

Section	Description
---------	-------------

	representation from a provider that the provider holds a consent from the patient authorizing the release. Also defines reproductive health care services.
--	--

This section is effective the day following final enactment.

2	<b>Reproductive health care services.</b>
---	---

Adds subd. 1c to § 147.091. Amends a section on grounds for disciplinary action against physicians and discipline of physicians, to prohibit the Board of Medical Practice from refusing to grant a license, refusing to grant a registration to perform interstate telehealth services, or imposing disciplinary action solely because the applicant or physician provided reproductive health care services that are lawful in Minnesota; was convicted in another jurisdiction of a felony for providing reproductive health care services that are lawful in Minnesota; or was disciplined or refused a license in another jurisdiction for providing reproductive health care services that are lawful in Minnesota. Also defines reproductive health care services.

This section is effective the day following final enactment.

3	<b>Reproductive health care services.</b>
---	---

Adds subd. 1a to § 147A.13. Amends a section on grounds for disciplinary action against physician assistants and discipline of physician assistants, to prohibit the Board of Medical Practice from refusing to grant a license to an applicant or imposing disciplinary action solely because the applicant or PA provided reproductive health care services that are lawful in Minnesota; was convicted in another jurisdiction of a felony for providing reproductive health care services that are lawful in Minnesota; or was disciplined or refused a license in another jurisdiction for providing reproductive health care services that are lawful in Minnesota. Also defines reproductive health care services.

This section is effective the day following final enactment.

4	<b>Reproductive health care services.</b>
---	---

Adds subd. 1b to § 148.261. Amends a section on grounds for disciplinary action against nurses and discipline of nurses, to prohibit the Board of Nursing from refusing to grant a license to an applicant or imposing discipline solely because the applicant or nurse provided reproductive health care services that are lawful in Minnesota; was convicted in another jurisdiction of a felony for providing reproductive health care services that are lawful in Minnesota; or was disciplined or refused a license in another jurisdiction for providing reproductive health care services that are lawful in Minnesota. Also defines reproductive health care services.

This section is effective the day following final enactment.

Section	Description
5	<p><b>Reproductive health care services.</b></p> <p>Adds subd. 2b to § 151.071. Amends a section on grounds for disciplinary action and discipline of individuals and entities regulated by the Board of Pharmacy, to prohibit the Board of Pharmacy from refusing to grant a license to an applicant or imposing disciplinary action against a pharmacist, pharmacy technician, or pharmacist intern solely because the individual provided reproductive health care services that are lawful in Minnesota; was convicted in another jurisdiction of a felony for providing reproductive health care services that are lawful in Minnesota; or was disciplined or refused a license in another jurisdiction for providing reproductive health care services that are lawful in Minnesota. Also defines reproductive health care services.</p> <p>This section is effective the day following final enactment.</p>
6	<p><b>Reproductive health care services.</b></p> <p>Adds subd. 6 to § 245C.15. Amends a section listing grounds on which a person may be disqualified from certain positions after a background study, to provide that the commissioner of human services may not disqualify an individual subject to a background study for accessing or providing reproductive health care services.</p> <p>This section is effective the day following final enactment.</p>
7	<p><b>Application of law; enforcement of judgments; reproductive health.</b></p> <p>Adds § 548.252. Prohibits a court in Minnesota from applying the law from another state in a civil action, or enforcing a judgment or satisfying a judgment from another state, if the law from the other state is one that allows a person to be sued for seeking to terminate a pregnancy, terminating a pregnancy, or assisting in the termination of a pregnancy. This section also prevents the enforcement of a subpoena issued in Minnesota or another state, if the subpoena is related to a criminal or civil case that restricts a person's ability to terminate a pregnancy. This section has an exception, and does not apply to causes of action, or the enforcement of judgments or subpoenas, if the same cause of action, or civil or criminal action, could be maintained in Minnesota.</p> <p>This section is effective the day following final enactment.</p>
8	<p><b>Civil liability for reproductive health penalties.</b></p> <p>Adds § 604.415. Allows a person to sue someone who brought a case against them in another state for providing, using, or assisting someone in providing or using, reproductive health care services. Allows a person to bring an action in this state for the costs, damages, and attorney fees associated with defending the case.</p> <p>This section is effective the day following final enactment.</p>

Section	Description
9	<p><b>Definitions.</b></p> <p>Amends § 629.01. States that the terms “committing an act in this state” and “acts committed in this state” include any actions taken while the person is physically present in Minnesota.</p>
10	<p><b>Duties of governor in extradition matters.</b></p> <p>Amends § 629.02. Provides that the Uniform Criminal Extradition Act does not authorize the detention and extradition of a person who commits an act or receives a service in Minnesota involving reproductive health care.</p> <p>This section is effective the day following final enactment.</p>
11	<p><b>Extradition by agreement.</b></p> <p>Amends § 629.05. Establishes that, where the governor has discretion to extradite a person who left a demanding state involuntarily, the governor may not extradite a person for acts committed in Minnesota involving reproductive health care.</p> <p>This section is effective the day following final enactment.</p>
12	<p><b>Extradition of persons committing crime.</b></p> <p>Amends § 629.06. Provides that, where the governor has discretion to extradite a person charged in another state for acts committed in Minnesota or a third state, the governor may not extradite a person for acts involving reproductive health care.</p> <p>This section is effective the day following final enactment.</p>
13	<p><b>Who may be apprehended.</b></p> <p>Amends § 629.13. Prohibits a judge in Minnesota from issuing a warrant for the arrest of a person charged in another state for a crime arising from acts committed in Minnesota involving reproductive health care.</p> <p>This section is effective the day following final enactment.</p>
14	<p><b>Arrest without warrant.</b></p> <p>Amends § 629.14. Prohibits a peace officer or other person from arresting a person charged in another state for a crime arising from acts committed in Minnesota involving reproductive health care.</p> <p>This section is effective the day following final enactment.</p>



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155