

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2341

DATE: March 15, 2012

Version: As introduced

Authors: Peppin and others

Subject: Requiring Physical Presence of Physician for Abortion-inducing Drugs

Analyst: Emily Cleveland, 651.296.5808

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

1 Abortion regulation; physical presence of physician required. Adds § 145.4233.

Subd. 1. Definitions. Defines the following terms and phrases for purposes of this section: "abortion;" "attempt to perform or induce an abortion;" and "physician."

Subd. 2. Physician's physical presence required. Requires that RU-486, or any other drug used to induce an abortion, be administered in the same room and in the physical presence of the prescribing physician. Requires the physician, or person acting for the physician, to make reasonable efforts to ensure the patient returns for a follow-up visit 12 to 18 days following administration of the drug. Requires certain related information be recorded in the patient's medical record.

Subd. 3. Criminal penalty. Makes it a felony for any person to knowingly or recklessly violate this section. Prohibits any penalty against a woman upon whom such an abortion is performed or attempted.

Subd. 4. Civil action. (a) Establishes a cause of action for the woman, the father of the unborn child, or a maternal grandparent of the unborn child against anyone who performs an abortion, knowingly or recklessly, in violation of this section; and establishes a cause of action for the woman against anyone who attempts to perform an abortion in violation of this section.

(b) Permits certain persons, including the woman upon whom an abortion was performed or attempted in violation of this section; the woman's spouse, parent, sibling, guardian or health care provider; a county attorney; or the attorney general to maintain a cause of action for injunctive relief against anyone who knowingly or recklessly violates this section. Provides that an injunction would prevent the provider from performing any other abortions in violation of this section.

Subd. 5. Attorney fees. Entitles a prevailing plaintiff in a civil action under this section to reasonable attorney fees and for a prevailing defendant if the suit was frivolous or brought in bad faith.

Subd. 6. No cause of action against pregnant woman. Prohibits any civil action against a woman who obtains or possesses a drug for the purpose of inducing an abortion to terminate

her own pregnancy.

Subd. 7. Identity in court proceedings. Includes provisions governing court determination of whether to preserve a woman's anonymity in civil and criminal proceedings under this section.

Subd. 8. Severability. Provides a severability clause for all parts of this section.

Provides that this section is effective August 1, 2012, and applies to causes of action that arise on or after that date.