

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4607

(SENATE AUTHORS: PORT, Murphy and McEwen)

DATE
05/21/2022

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act

1.2 relating to health; limiting the application of certain out-of-state laws or actions

1.3 regarding the provision or receipt of reproductive health care services; establishing

1.4 a civil action; proposing coding for new law in Minnesota Statutes, chapters 145;

1.5 604.

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

1.7 Section 1. **[145.418] OUT-OF-STATE LAWS OR ACTIONS REGARDING**

1.8 **REPRODUCTIVE HEALTH CARE SERVICES.**

1.9 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have

1.10 the meanings given.

1.11 (b) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,

1.12 paragraph (f).

1.13 (c) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph

1.14 (c).

1.15 (d) "Reproductive health care services" means all medical, surgical, counseling, or

1.16 referral services relating to the human reproductive system, including but not limited to

1.17 services related to pregnancy, contraception, or the termination of a pregnancy.

1.18 Subd. 2. **Out-of-state judgments.** Notwithstanding any law to the contrary and except

1.19 as provided in subdivision 6, a court, law enforcement agency, or other agency of this state

1.20 shall not enforce or recognize a judgment entered in another state that imposes civil liability

1.21 or civil or criminal penalties on a patient, health care provider, or other person for violating

1.22 a law of the other state that restricts or limits access to or the provision of reproductive

1.23 health care services.

2.1 Subd. 3. **Subpoenas.** Notwithstanding any law to the contrary and except as provided
2.2 in subdivision 6, a subpoena issued in Minnesota for an action pending in another state or
2.3 issued in another state for an action pending in that state, for the attendance of a witness or
2.4 the production of records, shall not be enforced in this state if the subpoena relates to a
2.5 potential civil or criminal action against a patient, health care provider, or other person for
2.6 violating a law of the other state that restricts or limits access to or the provision of
2.7 reproductive health care services.

2.8 Subd. 4. **Warrants.** Notwithstanding any law to the contrary and except as provided in
2.9 subdivision 6, an arrest warrant or search warrant issued by a court of another state for a
2.10 potential violation of that state's law restricting or limiting access to or the provision of
2.11 reproductive health care services is not valid in this state. A judge in this state must not
2.12 issue such a warrant and a peace officer in this state must not execute or assist in the
2.13 execution of such a warrant.

2.14 Subd. 5. **Extradition.** Notwithstanding any law to the contrary and except as provided
2.15 in subdivision 6, a person present in this state shall not be extradited to another state for
2.16 prosecution regarding a violation of a law of the other state that restricts or limits access to
2.17 or the provision of reproductive health care services.

2.18 Subd. 6. **Exception.** This section does not apply if the act on which the judgment,
2.19 investigation, arrest warrant, search warrant, or extradition was based would have served
2.20 as the basis for a valid cause of action in this state or if, at the time the act was performed,
2.21 the act could have subjected a patient, health care provider, or other person to a civil action
2.22 or criminal penalties in this state if the act had taken place in this state.

2.23 **EFFECTIVE DATE.** This section is effective July 1, 2022.

2.24 Sec. 2. **[604.195] CIVIL ACTION; JUDGMENT RELATED TO PROVISION OR**
2.25 **RECEIPT OF REPRODUCTIVE HEALTH CARE SERVICES.**

2.26 Subdivision 1. **Definition.** For the purposes of this section, "reproductive health care
2.27 services" means all medical, surgical, counseling, or referral services relating to the human
2.28 reproductive system, including but not limited to services related to pregnancy, contraception,
2.29 or the termination of a pregnancy.

2.30 Subd. 2. **Civil action.** Except as provided in subdivision 3, a person against whom a
2.31 judgment is entered pursuant to the laws of any other state based on the alleged provision,
2.32 receipt, assistance in the provision or receipt, or material support in the provision or receipt
2.33 of reproductive health care services that are permitted in this state may bring an action

3.1 against the person who brought the action leading to that judgment or who sought to enforce
3.2 that judgment for:

3.3 (1) actual damages in the amount of the judgment in the other state;

3.4 (2) costs and reasonable attorney fees incurred in defending the action that resulted in
3.5 the judgment in the other state; and

3.6 (3) costs and reasonable attorney fees incurred to bring an action under this section.

3.7 Subd. 3. **Exceptions.** This section does not apply to judgments arising from:

3.8 (1) an action in tort, contract, or statute for which a similar claim would exist under the
3.9 laws of this state brought by a patient who received the reproductive health care services
3.10 upon which the original action was based or by the patient's legal representative or another
3.11 person for damages suffered by the patient or other person; or

3.12 (2) an action in contract for which a similar claim would exist under the laws of this
3.13 state brought by a party with a contractual relationship with the person against whom the
3.14 judgment is entered in another state.

3.15 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to judgments
3.16 entered on or after that date.