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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2127

03/07/2019 Authored by Christensen The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to corrections; defining and exempting body scanners in correctional
1.3 facilities and jails from certain Department of Health law; authorizing employees
1.4 of a correctional facility to administer opiate antagonists; clarifying authority of
1.5 Fugitive Apprehension Units to do general law enforcement; authorizing medical
1.6 director of Department of Corrections to make health care decisions for certain
1.7 inmates lacking decision-making capacity and placed in an outside facility on
1.8 conditional medical release; amending Department of Corrections billing to counties
1.9 for juvenile confinements; amending Minnesota Statutes 2018, sections 144.121,
1.10 subdivision 1a, by adding a subdivision; 151.37, subdivision 12; 241.025,
1.11 subdivisions 1, 2; 241.75, subdivision 2; 242.192; repealing Minnesota Statutes
1.12 2018, section 401.13.

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

1.14 Section 1. Minnesota Statutes 2018, section 144.121, subdivision 1a, is amended to read:

1.15 Subd. 1a. Fees for ionizing radiation-producing equipment. (a) A facility with ionizing
1.16 radiation-producing equipment must pay an annual initial or annual renewal registration
1.17 fee consisting of a base facility fee of \$100 and an additional fee for each radiation source,
1.18 as follows:

- 1.19 (1) medical or veterinary equipment \$ 100
1.20 (2) dental x-ray equipment \$ 40
1.21 (3) x-ray equipment not used on \$ 100
1.22 humans or animals
1.23 (4) devices with sources of ionizing \$ 100
1.24 radiation not used on humans or
1.25 animals
1.26 (5) security screening system \$ 100

2.1 (b) A facility with radiation therapy and accelerator equipment must pay an annual
 2.2 registration fee of \$500. A facility with an industrial accelerator must pay an annual
 2.3 registration fee of \$150.

2.4 (c) Electron microscopy equipment is exempt from the registration fee requirements of
 2.5 this section.

2.6 Sec. 2. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
 2.7 read:

2.8 Subd. 9. Exemption from examination requirements; operators of security screening
 2.9 systems. (a) An employee of a correctional or detention facility who operates a security
 2.10 screening system and the facility in which the system is being operated are exempt from
 2.11 the requirements of subdivisions 5 and 6.

2.12 (b) An employee of a correctional or detention facility who operates a security screening
 2.13 system and the facility in which the system is being operated must meet the requirements
 2.14 of a variance to Minnesota Rules, parts 4732.0305 and 4732.0565, issued under Minnesota
 2.15 Rules, parts 4717.7000 to 4717.7050. This paragraph expires on December 31 of the year
 2.16 that the permanent rules adopted by the commissioner governing security screening systems
 2.17 are published in the State Register.

2.18 (c) For purposes of this subdivision and subdivision 1a:

2.19 (1) "correctional or detention facility" means a facility licensed by the commissioner of
 2.20 corrections under section 241.021 and operated by a state agency or political subdivision
 2.21 charged with detection, enforcement, or incarceration in respect to state criminal and traffic
 2.22 laws; and

2.23 (2) "security screening system" means radiation-producing equipment designed and used
 2.24 for security screening of humans who are in the custody of a correctional or detention
 2.25 facility, and is used by the facility to image and identify contraband items concealed within
 2.26 or on all sides of a human body.

2.27 **EFFECTIVE DATE.** This section is effective 30 days following final enactment.

2.28 Sec. 3. Minnesota Statutes 2018, section 151.37, subdivision 12, is amended to read:

2.29 Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed
 2.30 physician, a licensed advanced practice registered nurse authorized to prescribe drugs
 2.31 pursuant to section 148.235, or a licensed physician assistant authorized to prescribe drugs

3.1 pursuant to section 147A.18 may authorize the following individuals to administer opiate
3.2 antagonists, as defined in section 604A.04, subdivision 1:

3.3 (1) an emergency medical responder registered pursuant to section 144E.27;

3.4 (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d);

3.5 ~~and~~

3.6 (3) employees of a correctional facility; and

3.7 (4) staff of community-based health disease prevention or social service programs.

3.8 (b) For the purposes of this subdivision, opiate antagonists may be administered by one
3.9 of these individuals only if:

3.10 (1) the licensed physician, licensed physician assistant, or licensed advanced practice
3.11 registered nurse has issued a standing order to, or entered into a protocol with, the individual;
3.12 and

3.13 (2) the individual has training in the recognition of signs of opiate overdose and the use
3.14 of opiate antagonists as part of the emergency response to opiate overdose.

3.15 (c) Nothing in this section prohibits the possession and administration of naloxone
3.16 pursuant to section 604A.04.

3.17 Sec. 4. Minnesota Statutes 2018, section 241.025, subdivision 1, is amended to read:

3.18 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
3.19 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
3.20 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
3.21 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
3.22 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
3.23 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
3.24 enforcement agency is limited to the activities related to the arrest of Department of
3.25 Corrections' discretionary and statutory released violators and Department of Corrections'
3.26 escapees. The Department of Corrections Fugitive Apprehension Unit may exercise general
3.27 law enforcement duties upon request for assistance from a law enforcement agency and is
3.28 subject to availability and resources of the Department of Corrections Fugitive Apprehension
3.29 Unit.

4.1 Sec. 5. Minnesota Statutes 2018, section 241.025, subdivision 2, is amended to read:

4.2 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
4.3 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
4.4 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
4.5 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
4.6 agency of the jurisdiction in which a new crime is committed.

4.7 Sec. 6. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

4.8 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections
4.9 may make a health care decision for an inmate incarcerated in a state correctional facility
4.10 or placed in an outside facility on conditional medical release if the inmate's attending
4.11 physician determines that the inmate lacks decision-making capacity and:

4.12 (1) there is not a documented health care agent designated by the inmate or the health
4.13 care agent is not reasonably available to make the health care decision;

4.14 (2) if there is a documented health care directive, the decision is consistent with that
4.15 directive;

4.16 (3) the decision is consistent with reasonable medical practice and other applicable law;
4.17 and

4.18 (4) the medical director has made a good faith attempt to consult with the inmate's next
4.19 of kin or emergency contact person in making the decision, to the extent those persons are
4.20 reasonably available.

4.21 Sec. 7. Minnesota Statutes 2018, section 242.192, is amended to read:

4.22 **242.192 CHARGES TO COUNTIES.**

4.23 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of
4.24 the per diem cost of confinement, excluding educational costs and nonbillable service, of
4.25 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed
4.26 to the commissioner of corrections. This charge applies to juveniles committed to the
4.27 commissioner of corrections and juveniles admitted to the Minnesota Correctional
4.28 Facility-Red Wing under established admissions criteria. This charge applies to both counties
4.29 that participate in the Community Corrections Act and those that do not. The commissioner
4.30 shall determine the per diem cost of confinement based on projected population, pricing
4.31 incentives, and market conditions, ~~and the requirement that expense and revenue balance~~

5.1 ~~out over a period of two years.~~ All money received under this section must be deposited in
5.2 the state treasury and credited to the general fund.

5.3 Sec. 8. **REPEALER.**

5.4 Minnesota Statutes 2018, section 401.13, is repealed.

APPENDIX
Repealed Minnesota Statutes: 19-4319

401.13 COSTS OF CONFINEMENT; PAYMENT.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.