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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3820

02/28/2022

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act  
1.2 relating to human rights; prohibiting discrimination based on an individual's  
1.3 vaccination status; proposing coding for new law in Minnesota Statutes, chapters  
1.4 62A; 363A.

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

1.6 Section 1. [62A.083] NONDISCRIMINATION BASED ON VACCINATION STATUS.

1.7 (a) No health plan shall:

1.8 (1) deny, reduce, or limit benefits to an individual based on the individual's vaccination  
1.9 status; or

1.10 (2) charge or impose a higher premium based on an individual's vaccination status.

1.11 (b) Nothing in this section requires a health carrier to provide services or cover a benefit  
1.12 that is not covered under the individual's health plan.

1.13 Sec. 2. [363A.51] NONDISCRIMINATION BASED ON VACCINATION STATUS.

1.14 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
1.15 the meanings given.

1.16 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

1.17 (c) "Health care facility" means a hospital, including a hospital's intensive care unit or  
1.18 emergency room, outpatient surgical center, diagnostic facility, urgent care clinic, nursing  
1.19 facility, intermediate care facility, assisted living facility, or residential treatment facility.

1.20 (d) "Health care practitioner" means a health care professional licensed to provide a  
1.21 health care service.

2.1 (e) "Organ transplant" has the meaning given in section 363A.50, subdivision 1, paragraph  
2.2 (f).

2.3 Subd. 2. **Prohibiting discrimination.** (a) A health care practitioner or health care facility  
2.4 must not on the basis of an individual's vaccination status:

2.5 (1) deny, limit, or refuse to provide medically necessary health care services;

2.6 (2) deny or refuse to admit an individual to a health care facility;

2.7 (3) deem an individual ineligible to receive an anatomical gift or organ transplant; or

2.8 (4) refuse to place an individual on an organ transplant waiting list.

2.9 (b) Notwithstanding paragraph (a), a health care facility or health care practitioner may  
2.10 take into account when making treatment or coverage recommendations or decisions any  
2.11 health-related concerns that are found by a health care practitioner following an evaluation  
2.12 of the individual that is determined to be medically significant to the provision of a health  
2.13 care service, treatment, anatomical gift, or organ transplant.

2.14 (c) Nothing in this section requires the performance of unnecessary or inappropriate  
2.15 health care services. Nothing in this section requires a health care practitioner or health care  
2.16 facility to endanger the safety of patients or staff. A health care practitioner or health care  
2.17 facility may make reasonable modifications to a policy, practice, or procedure when such  
2.18 modifications are necessary to ensure the safety of patients and staff so long as the health  
2.19 care practitioner or health care facility takes the necessary steps to ensure that no individual  
2.20 is denied services solely on the basis of the individual's vaccination status.

2.21 Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any  
2.22 individual who has been subjected to discrimination in violation of this section may initiate  
2.23 a civil action in a court of competent jurisdiction to enjoin violations of this section.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.