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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3200

03/01/2018 Authored by Whelan, Miller, Poston, Scott, Rarick and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; requiring the commissioner of health to inspect certain facilities
1.3 to ensure the appropriate disposition of fetal tissue.

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

1.5 Section 1. INSPECTIONS REGARDING DISPOSITION OF FETAL TISSUE.

1.6 Subdivision 1. Inspections required. The commissioner of health shall conduct onetime
1.7 inspections of all hospitals, clinics, medical facilities, and laboratories responsible for the
1.8 disposition of fetal tissue to ensure that fetal tissue in the state is disposed of in compliance
1.9 with Minnesota Statutes, section 145.1621, and is not subject to sale for research purposes.
1.10 An inspection under this section shall include an inspection of the physical premises of the
1.11 facility and an audit of the facility's procedures for disposition of fetal tissue.

1.12 Subd. 2. Definition. For purposes of this section, "fetal tissue" has the meaning given
1.13 to "remains of a human fetus" in Minnesota Statutes, section 145.1621, subdivision 2.

1.14 Subd. 3. Procedures for conducting inspections. (a) The commissioner of health shall
1.15 determine a means for identifying hospitals, clinics, medical facilities, and laboratories
1.16 subject to inspection under this section. To the extent practicable, the commissioner shall
1.17 coordinate inspections under this section with other inspection and surveying activities
1.18 conducted by the commissioner that are required by other law. All inspections must be
1.19 completed by January 1, 2019.

1.20 (b) The commissioner or an employee or agent authorized by the commissioner, upon
1.21 presentation of credentials, may enter any property and examine any books, records, or data
1.22 as necessary to conduct inspections and audit facility procedures.

- 2.1 Subd. 4. **Report to legislature.** The commissioner shall submit a report to the legislature  
2.2 by March 1, 2019, on the results of inspections conducted under this section. The report  
2.3 must include the number of facilities with procedures for disposition of fetal tissue found  
2.4 to be in compliance with Minnesota Statutes, section 145.1621, broken out by type of facility;  
2.5 the number of facilities with procedures for disposition of fetal tissue found to be out of  
2.6 compliance with Minnesota Statutes, section 145.1621, broken out by type of facility; and  
2.7 examples of procedures for the disposition of fetal tissue that comply with state law.
- 2.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.