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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 22

- 02/06/2025 Authored by Gillman, Duran, Engen, Perryman, Zeleznikar and others
- 02/10/2025 The bill was read for the first time and referred to the Committee on Education Policy
- 02/17/2025 By motion, recalled and re-referred to the Committee on Children and Families Finance and Policy
- 03/03/2025 Adoption of Report: Amended and re-referred to the Committee on Education Policy
- 03/06/2025 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy
- 03/06/2025 Adoption of Report: Amended and re-referred to the Committee on State Government Finance and Policy

1.1 A bill for an act

1.2 relating to families; creating a parent's bill of rights; amending Minnesota Statutes

1.3 2024, section 144.291, subdivision 2; proposing coding for new law in Minnesota

1.4 Statutes, chapters 145; 257.

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

1.6 Section 1. Minnesota Statutes 2024, section 144.291, subdivision 2, is amended to read:

1.7 Subd. 2. **Definitions.** For the purposes of sections 144.291 to 144.298, the following

1.8 terms have the meanings given.

1.9 (a) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.

1.10 (b) "Health information exchange" means a legal arrangement between health care

1.11 providers and group purchasers to enable and oversee the business and legal issues involved

1.12 in the electronic exchange of health records between the entities for the delivery of patient

1.13 care.

1.14 (c) "Health record" means any information, whether oral or recorded in any form or

1.15 medium, that relates to the past, present, or future physical or mental health or condition of

1.16 a patient; the provision of health care to a patient; or the past, present, or future payment

1.17 for the provision of health care to a patient.

1.18 (d) "Identifying information" means the patient's name, address, date of birth, gender,

1.19 parent's or guardian's name regardless of the age of the patient, and other nonclinical data

1.20 which can be used to uniquely identify a patient.

1.21 (e) "Individually identifiable form" means a form in which the patient is or can be

1.22 identified as the subject of the health records.

2.1 (f) "Medical emergency" means medically necessary care which is immediately needed
 2.2 to preserve life, prevent serious impairment to bodily functions, organs, or parts, or prevent
 2.3 placing the physical or mental health of the patient in serious jeopardy.

2.4 (g) "Patient" means a natural person who has received health care services from a provider
 2.5 for treatment or examination of a medical, psychiatric, or mental condition, the surviving
 2.6 spouse and parents of a deceased patient, or a person the patient appoints in writing as a
 2.7 representative, including a health care agent acting according to chapter 145C, unless the
 2.8 authority of the agent has been limited by the principal in the principal's health care directive.
 2.9 Except for minors who have received health care services under ~~sections~~ section 144.341
 2.10 ~~to 144.347 or 144.342~~, in the case of a minor, patient includes a parent or guardian, or a
 2.11 person acting as a parent or guardian in the absence of a parent or guardian.

2.12 (h) "Patient information service" means a service providing the following query options:
 2.13 a record locator service as defined in paragraph (j) or a master patient index or clinical data
 2.14 repository as defined in section 62J.498, subdivision 1.

2.15 (i) "Provider" means:

2.16 (1) any person who furnishes health care services and is regulated to furnish the services
 2.17 under chapter 147, 147A, 147B, 147C, 147D, 148, 148B, 148D, 148F, 150A, 151, 153, or
 2.18 153A;

2.19 (2) a home care provider licensed under section 144A.471;

2.20 (3) a health care facility licensed under this chapter or chapter 144A;

2.21 (4) an assisted living facility licensed under chapter 144G; and

2.22 (5) a physician assistant registered under chapter 147A.

2.23 (j) "Record locator service" means an electronic index of patient identifying information
 2.24 that directs providers in a health information exchange to the location of patient health
 2.25 records held by providers and group purchasers.

2.26 (k) "Related health care entity" means an affiliate, as defined in section 144.6521,
 2.27 subdivision 3, paragraph (b), of the provider releasing the health records.

2.28 **Sec. 2. [145.565] PARENT OR GUARDIAN ACCESS TO MEDICAL**
 2.29 **EXAMINATION ROOM OF MINOR; QUESTIONS ASKED OF MINOR.**

2.30 **Subdivision 1. Access to examination room.** (a) A health care provider providing health
 2.31 services to a minor must allow the minor's parent or guardian to have full and complete
 2.32 access to the examination room in which the minor is receiving health services. If the health

3.1 services being provided involve a private area of the minor's body and the minor's parent
3.2 or guardian remains in the examination room, the health care provider must provide, upon
3.3 request, a privacy screen or other mechanism to protect the minor's privacy.

3.4 (b) Before a minor is taken to an examination room, a health care provider providing
3.5 health services to a minor or a health clinic, or health care facility where a minor is receiving
3.6 health services, must provide clear and conspicuous notice of the rights under paragraph
3.7 (a).

3.8 Subd. 2. **Notice of standardized questions asked of minor.** Before asking any
3.9 standardized oral or written questions of a minor, a health care provider must provide a
3.10 minor's parent or guardian with written notice of the standardized oral or written questions.
3.11 The notice must be provided regardless of whether the parent or guardian chooses to be
3.12 present in the examination room with the minor and must include:

3.13 (1) a statement that the parent, guardian, or minor has the right to opt out of answering
3.14 questions unrelated to the purpose of the visit;

3.15 (2) information on whether the minor's answers to the standardized questions will be
3.16 shared with others, stored in the minor's health record, or recorded in any manner; and

3.17 (3) a list of the categories and topics of questions that may be asked.

3.18 Subd. 3. **Exception.** This section does not apply to:

3.19 (1) a minor who consents to health services under section 144.341 or 144.342; or

3.20 (2) an examination involving a suspected case of physical abuse as defined in section
3.21 260E.03, subdivision 18, or sexual abuse as defined in section 260E.03, subdivision 20, so
3.22 long as the health care provider documents the basis for the suspected abuse and notifies
3.23 the appropriate authorities.

3.24 Sec. 3. **[257.0751] PARENT'S BILL OF RIGHTS.**

3.25 Subdivision 1. **Short title.** This act is known as the "Parent's Bill of Rights."

3.26 Subd. 2. **Definitions.** As used in this act, unless the context otherwise requires:

3.27 (1) "minor child" means a person 17 years of age or younger; and

3.28 (2) "parent" means the natural or adoptive parent or legal guardian of a minor child.

3.29 Subd. 3. **Parental rights reserved.** (a) This state, any political subdivision of this state,
3.30 or any other governmental entity or institution shall not infringe on the fundamental rights
3.31 of a parent to direct the upbringing, well-being, education, and physical and mental health

4.1 care of the parent's minor child without demonstrating that the potential infringement of
4.2 parental rights is reasonable and necessary to achieve a compelling state interest, and that
4.3 the potential infringement of parental rights is narrowly tailored and is not otherwise served
4.4 by a less restrictive means. All parental rights are reserved to a parent of a minor child
4.5 without obstruction or interference from this state, any political subdivision of this state, or
4.6 any other governmental entity or institution including but not limited to the right to:

4.7 (1) exercise freedom of choice in the minor child's education in accordance with
4.8 compulsory instruction requirements in section 120A.22 and choose public, charter, private,
4.9 or home education;

4.10 (2) access and review all school records relating to the minor child;

4.11 (3) direct the upbringing of the minor child;

4.12 (4) direct the moral or religious training of the minor child;

4.13 (5) except as provided in sections 144.341 to 144.347; 145.41; 253B.03, subdivision 6;
4.14 and 253B.04, subdivision 1:

4.15 (i) provide informed consent in making health care decisions for the minor child,
4.16 including choosing the minor child's health care team and accepting or declining biological,
4.17 pharmaceutical, and supplemental interventions in coordination with the selected health
4.18 care team;

4.19 (ii) consent in writing before any physical or mental health examination of the minor
4.20 child takes place or before any pharmaceutical, surgical, or therapeutic intervention for the
4.21 minor child takes place; and

4.22 (iii) consent in writing before any record of the minor child's blood or DNA is made,
4.23 shared, or stored, unless obtaining the blood or DNA is otherwise required by law or
4.24 authorized by a court order.

4.25 Following the provision of any health service that a minor child consents to under sections
4.26 144.343 to 144.347; 145.41; 253B.03, subdivision 6; or 253B.04, subdivision 1, the health
4.27 professional providing the health service must provide written notice that the minor child
4.28 consented to the health service to both parents of the minor child if the minor child resides
4.29 with both parents, to the parent or parents with legal custody of the minor child, or to the
4.30 minor child's legal guardian or custodian;

4.31 (6) access and review all medical records and physical samples of the minor child, except
4.32 for the medical records and physical samples of a minor child who consents to health services
4.33 under section 144.341 or 144.342;

5.1 (7) consent in writing before any biometric scan of the minor child occurs or is shared
5.2 or stored;

5.3 (8) consent in writing before the state or any of its political subdivisions makes a video
5.4 or voice recording of the minor child, unless the video or voice recording is to be used solely
5.5 for any of the following purposes:

5.6 (i) the maintenance of order and discipline in the common areas of a school or on school
5.7 vehicles;

5.8 (ii) a purpose related to a legitimate academic or extracurricular activity;

5.9 (iii) a purpose related to regular classroom instruction;

5.10 (iv) security or surveillance of buildings or grounds; or

5.11 (v) a photo identification card; and

5.12 (9) be notified promptly if an employee of this state, any political subdivision of this
5.13 state, any other governmental entity or institution, or any other institution suspects that a
5.14 criminal offense has been committed against the minor child by someone other than a parent.

5.15 (b) Any attempt to encourage or coerce a minor child to withhold information from the
5.16 minor child's parent shall be grounds for discipline of an employee of this state, any political
5.17 subdivision of this state, or any other governmental entity or institution.

5.18 (c) Any attempt to coerce or discriminate against the parent of a minor child for exercising
5.19 these rights shall be grounds for discipline of an employee of this state, any political
5.20 subdivision of this state, or any other governmental entity or institution.

5.21 (d) This section does not authorize or allow a parent to abuse or neglect a minor child
5.22 in violation of state law. This section shall not be construed to apply to a parental action or
5.23 decision that would end life. This section does not prohibit courts, law enforcement, or a
5.24 government agency from acting in an official capacity within the reasonable and prudent
5.25 scope of their authority and these rights.

5.26 (e) Unless a right has been legally waived or legally terminated, a parent has inalienable
5.27 rights that are more comprehensive than those listed in this act. The parent's bill of rights
5.28 does not prescribe all rights of a parent. Unless otherwise required by law, the rights of a
5.29 parent of a minor child must not be limited or denied.