

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 3566

(SENATE AUTHORS: CLARK)

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; requiring informed consent to medical treatments that may harm
1.3 fertility; proposing coding for new law in Minnesota Statutes, chapter 144.

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

1.5 Section 1. **[144.6583] INFORMED CONSENT REQUIRED FOR MEDICAL**
1.6 **TREATMENTS THAT MAY HARM FERTILITY.**

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

1.9 (b) "Family building" means construction or formation of a family, which can encompass
1.10 both biological and nonbiological steps or actions taken by a person toward having children.

1.11 (c) "Fertility" means the ability to conceive or gestate biological children.

1.12 (d) "Fertility specialist" means a health care provider with expertise in reproductive
1.13 health and fertility preservation.

1.14 (e) "Health care provider" means a health professional who is licensed or registered by
1.15 the state to provide health treatment and services within the professional's scope of practice
1.16 and in accordance with state law.

1.17 (f) "Medical treatment" means any prescription drug, procedure, therapy, or intervention
1.18 administered by a health care provider that has a certain or may have a potential impact on
1.19 a patient's fertility.

1.20 (g) "Patient" means the person receiving medical treatment.

2.1 Subd. 2. **Informed consent required.** A health care provider must not perform a medical
2.2 treatment on a patient unless:

2.3 (1) the health care provider discussed with the patient certain or potential harm that the
2.4 medical treatment may have on the patient's fertility;

2.5 (2) the health care provider provided the patient the opportunity to consult with a fertility
2.6 specialist regarding the medical treatment's certain or potential impact on the patient's
2.7 fertility, available fertility preservation services, and available family building options; and

2.8 (3) the patient provided prior written informed consent to the medical treatment affirming
2.9 that the patient was informed of the medical treatment's certain or potential harm to the
2.10 patient's fertility, understands the risks and implications of the medical treatment, and
2.11 authorizes the medical treatment.

2.12 Subd. 3. **Prohibited conduct by a health care provider.** A health care provider must
2.13 not attempt to influence a patient's decision regarding medical treatment by discouraging
2.14 the patient from consulting with a fertility specialist regarding fertility preservation services
2.15 or family building options.

2.16 Subd. 4. **Ground for disciplinary action; complaint.** (a) A health care provider who
2.17 violates this section is subject to disciplinary action by the health-related licensing board
2.18 regulating that health care provider.

2.19 (b) A patient harmed by a violation of this section may file a complaint with the
2.20 health-related licensing board regulating the health care provider who violated this section.

2.21 Subd. 5. **Duties of the commissioner.** The commissioner of health must establish
2.22 procedures for monitoring compliance with this section.