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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1279

02/06/2023 Authored by Edelson; Hollins; Olson, L.; Bahner and Bierman
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
03/06/2023 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to crime; requiring state to pay medical examination costs for criminal
1.3 sexual conduct victim; appropriating money; amending Minnesota Statutes 2022,
1.4 sections 144.6586, subdivision 2; 145.4712; 609.35.

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

1.6 Section 1. Minnesota Statutes 2022, section 144.6586, subdivision 2, is amended to read:

1.7 Subd. 2. Contents of notice. The commissioners of health and public safety, in
1.8 consultation with sexual assault victim advocates and health care professionals, shall develop
1.9 the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:

1.10 (1) the obligation under section 609.35 of the county where the criminal sexual conduct
1.11 occurred state to pay for the examination performed for the purpose of gathering evidence,
1.12 that payment is not contingent on the victim reporting the criminal sexual conduct to law
1.13 enforcement, and that the victim may incur expenses for treatment of injuries;

1.14 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
1.15 right to apply for reparations under sections 611A.51 to 611A.68, information on how to
1.16 apply for reparations, and information on how to obtain an order for protection or a
1.17 harassment restraining order; and

1.18 (3) the opportunity under section 611A.27 to obtain status information about an
1.19 unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1,
1.20 paragraph (h).

2.1 Sec. 2. Minnesota Statutes 2022, section 145.4712, is amended to read:

2.2 **145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

2.3 Subdivision 1. **Emergency care to female sexual assault victims.** (a) It shall be the
2.4 standard of care for all hospitals and other health care providers that provide emergency
2.5 care to, at a minimum:

2.6 (1) provide each female sexual assault victim with medically and factually accurate and
2.7 unbiased written and oral information about emergency contraception from the American
2.8 College of Obstetricians and Gynecologists and distributed to all hospitals by the Department
2.9 of Health;

2.10 (2) orally inform each female sexual assault victim of the option of being provided with
2.11 emergency contraception at the hospital or other health care facility; and

2.12 (3) immediately provide emergency contraception to each sexual assault victim who
2.13 requests it provided it is not medically contraindicated and is ordered by a legal prescriber.
2.14 Emergency contraception shall be administered in accordance with current medical protocols
2.15 regarding timing and dosage necessary to complete the treatment.

2.16 (b) A hospital or health care provider may administer a pregnancy test. If the pregnancy
2.17 test is positive, the hospital or health care provider does not have to comply with the
2.18 provisions in paragraph (a).

2.19 Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the
2.20 standard of care for all hospitals and health care providers that provide emergency care to,
2.21 at a minimum:

2.22 (1) provide each sexual assault victim with factually accurate and unbiased written and
2.23 oral medical information about prophylactic antibiotics for treatment of sexually transmitted
2.24 ~~diseases~~ infections;

2.25 (2) orally inform each sexual assault victim of the option of being provided prophylactic
2.26 antibiotics for treatment of sexually transmitted ~~diseases~~ infections at the hospital or other
2.27 health care facility; and

2.28 (3) immediately provide prophylactic antibiotics for treatment of sexually transmitted
2.29 ~~diseases~~ infections to each sexual assault victim who requests it, provided it is not medically
2.30 contraindicated and is ordered by a legal prescriber.

3.1 Sec. 3. Minnesota Statutes 2022, section 609.35, is amended to read:

3.2 **609.35 COSTS OF MEDICAL EXAMINATION.**

3.3 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
3.4 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
3.5 licensed health care provider for the examination of a victim of criminal sexual conduct
3.6 ~~when the examination is performed for the purpose of gathering evidence~~ that occurred in
3.7 the state shall be paid by the ~~county in which the criminal sexual conduct occurred~~ state.
3.8 These costs include, but are not limited to, the full cost of the ~~rape kit~~ medical forensic
3.9 examination, associated tests and treatments relating to the complainant's sexually transmitted
3.10 disease status infection, and pregnancy status, including emergency contraception. A hospital,
3.11 emergency medical facility, or health care provider shall submit the costs for examination
3.12 and any associated tests and treatment to the Office of Justice Programs for payment. Upon
3.13 receipt of the costs, the commissioner shall provide payment to the facility or health care
3.14 provider. The cost of the examination and any associated test and treatments shall not exceed
3.15 the amount of \$1,400. Beginning on January 1, 2024, the maximum amount of an award
3.16 shall be adjusted annually by the inflation rate.

3.17 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
3.18 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
3.19 licensed health care provider performing the examination may seek insurance reimbursement
3.20 from the victim's insurer only if authorized by the victim. This authorization may only be
3.21 sought after the examination is performed. When seeking this authorization, the ~~county~~
3.22 hospital or other licensed health care provider shall inform the victim that if the victim does
3.23 not authorize this, the ~~county~~ state is required by law to pay for the examination and that
3.24 the victim is in no way liable for these costs or obligated to authorize the reimbursement.

3.25 (c) The applicability of this section does not depend upon whether the victim reports
3.26 the offense to law enforcement or the existence or status of any investigation or prosecution.

3.27 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
3.28 examination that occurs on or after that date.

3.29 Sec. 4. **APPROPRIATION.**

3.30 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general
3.31 fund to the commissioner of public safety to reimburse qualified health care providers for
3.32 the expenses associated with medical examinations administered to victims of criminal
3.33 sexual conduct as required under Minnesota Statutes, section 609.35.