

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 1726

| (SENATE AUTHORS: EKEN and Benson) |       |  |
|-----------------------------------|-------|--|
| DATE                              | D-PG  | OFFICIAL STATUS  |
| 03/04/2021                        | 686   | Introduction and first reading<br>Referred to Human Services Reform Finance and Policy       |
| 03/11/2021                        | 846   | Author added Benson  |
| 03/15/2021                        | 920   | Withdrawn and re-referred to Civil Law and Data Practices Policy                             |
| 03/22/2021                        | 1131a | Comm report: To pass as amended and re-refer to Health and Human Services Finance and Policy |

1.1

A bill for an act

1.2

relating to children; modifying adoption provisions; adding safe place for newborns

1.3

provisions; modifying child welfare program provisions; modifying Northstar

1.4

kinship assistance provisions; amending Minnesota Statutes 2020, sections 144.216,

1.5

by adding subdivisions; 144.218, by adding a subdivision; 144.226, subdivision

1.6

1; 145.902.

1.7

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

1.8

Section 1. Minnesota Statutes 2020, section 144.216, is amended by adding a subdivision

1.9

to read:

1.10

Subd. 3. **Reporting safe place newborn births.** A hospital that receives a safe place

1.11

newborn under section 145.902 shall report the birth of the newborn to the Office of Vital

1.12

Records within five days after receiving the newborn. The state registrar must register

1.13

information about the safe place newborn according to part 4601.0600, subpart 4, item C.

1.14

**EFFECTIVE DATE.** This section is effective August 1, 2021.

1.15

Sec. 2. Minnesota Statutes 2020, section 144.216, is amended by adding a subdivision to

1.16

read:

1.17

Subd. 4. **Status of safe place birth registrations.** (a) Information about the safe place

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newborn registered under subdivision 3 shall constitute the record of birth for the child. The

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birth record for the child is confidential data on individuals as defined in section 13.02,

1.20

subdivision 3. Information about the child's birth record or a child's birth certificate issued

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from the child's birth record shall be disclosed only to the responsible social services agency

1.22

as defined in section 260C.007, subdivision 27a, or pursuant to court order.

(b) Pursuant to section 144.218, subdivision 6, if the safe place newborn was born in a hospital and it is known that the child's record of birth was registered, the Office of Vital Records shall replace the original birth record registered under section 144.215.

**EFFECTIVE DATE.** This section is effective August 1, 2021.

Sec. 3. Minnesota Statutes 2020, section 144.218, is amended by adding a subdivision to read:

**Subd. 6. Safe place newborns.** If a hospital receives a safe place newborn under section 145.902 and it is known that the child's record of birth was registered, the hospital shall report the newborn to the Office of Vital Records and identify the child's birth record. The state registrar shall issue a replacement birth record for the child that is free of information that identifies a parent. The prior vital record is confidential data on individuals as defined in section 13.02, subdivision 3, and shall not be disclosed except pursuant to court order.

**EFFECTIVE DATE.** This section is effective August 1, 2021.

Sec. 4. Minnesota Statutes 2020, section 144.226, subdivision 1, is amended to read:

Subdivision 1. **Which services are for fee.** (a) The fees for the following services shall be the following or an amount prescribed by rule of the commissioner:

(b) The fee for the administrative review and processing of a request for a certified vital record or a certification that the vital record cannot be found is \$9. The fee is payable at the time of application and is nonrefundable.

(c) The fee for processing a request for the replacement of a birth record for all events, except for safe place newborns pursuant to section 144.218, subdivision 6, and when filing a recognition of parentage pursuant to section 257.73, subdivision 1, is \$40. The fee is payable at the time of application and is nonrefundable.

(d) The fee for administrative review and processing of a request for the filing of a delayed registration of birth, stillbirth, or death is \$40. The fee is payable at the time of application and is nonrefundable.

(e) The fee for administrative review and processing of a request for the amendment of any vital record is \$40. The fee is payable at the time of application and is nonrefundable.

(f) The fee for administrative review and processing of a request for the verification of information from vital records is \$9 when the applicant furnishes the specific information to locate the vital record. When the applicant does not furnish specific information, the fee

is \$20 per hour for staff time expended. Specific information includes the correct date of the event and the correct name of the subject of the record. Fees charged shall approximate the costs incurred in searching and copying the vital records. The fee is payable at the time of application and is nonrefundable.

(g) The fee for administrative review and processing of a request for the issuance of a copy of any document on file pertaining to a vital record or statement that a related document cannot be found is \$9. The fee is payable at the time of application and is nonrefundable.

**EFFECTIVE DATE.** This section is effective August 1, 2021.

Sec. 5. Minnesota Statutes 2020, section 145.902, is amended to read:

**145.902 GIVE LIFE A CHANCE; SAFE PLACE FOR NEWBORNS DUTIES; IMMUNITY.**

Subdivision 1. **General.** (a) For purposes of this section, a "safe place" means a hospital licensed under sections 144.50 to 144.56, including the hospital where the newborn was born, a health care provider who provides urgent care medical services, or an ambulance service licensed under chapter 144E dispatched in response to a 911 call from a mother or a person with the mother's permission to relinquish a newborn infant.

(b) A safe place shall receive a newborn left with an employee on the premises of the safe place during its hours of operation, provided that:

(1) the newborn was born within seven days of being left at the safe place, as determined within a reasonable degree of medical certainty; and

(2) the newborn is left in an unharmed condition.

(c) The safe place must not inquire as to the identity of the mother or the person leaving the newborn or call the police, provided the newborn is unharmed when presented to the hospital. The safe place may ask the mother or the person leaving the newborn about the medical history of the mother or newborn and if the newborn may have lineage to an Indian tribe and, if known, the name of the tribe but the mother or the person leaving the newborn is not required to provide any information. The safe place may provide the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

(d) A safe place that is a health care provider who provides urgent care medical services shall dial 911, advise the dispatcher that the call is being made from a safe place for newborns, and ask the dispatcher to send an ambulance or take other appropriate action to

transport the newborn to a hospital. An ambulance with whom a newborn is left shall transport the newborn to a hospital for care. Hospitals must receive a newborn left with a safe place and make the report as required in subdivision 2.

Subd. 2. **Reporting.** (a) Within 24 hours of receiving a newborn under this section, the hospital must inform the responsible social service agency that a newborn has been left at the hospital, but must not do so in the presence of the mother or the person leaving the newborn. The hospital must provide necessary care to the newborn pending assumption of legal responsibility by the responsible social service agency pursuant to section 260C.139, subdivision 5.

(b) Within five days of receiving a newborn under this section, a hospital shall report the newborn to the Office of Vital Records pursuant to section 144.216, subdivision 3. If a hospital receives a safe place newborn under section 145.902 and it is known that the child's record of birth was registered because the newborn was born at that hospital, the hospital shall report the newborn to the Office of Vital Records and identify the child's birth record. The state registrar shall issue a replacement birth record for the child pursuant to section 144.218, subdivision 6.

Subd. 3. **Immunity.** (a) A safe place with responsibility for performing duties under this section, and any employee, doctor, ambulance personnel, or other medical professional working at the safe place, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

(b) A safe place performing duties under this section, or an employee, doctor, ambulance personnel, or other medical professional working at the safe place who is a mandated reporter under chapter 260E, is immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the person is acting in good faith in complying with this section.

**EFFECTIVE DATE.** This section is effective August 1, 2021.