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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2340

02/16/2012 Authored by Holberg, Zellers, Fritz, Gottwalt, Dean and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
03/15/2012 Adoption of Report: Pass and re-referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to health; requiring licensure of certain facilities that perform abortions;
1.3 proposing coding for new law in Minnesota Statutes, chapter 145.

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

1.5 Section 1. [145.479] LICENSURE OF CERTAIN FACILITIES THAT PERFORM
1.6 ABORTIONS.

1.7 Subdivision 1. License required for facilities that perform ten or more abortions
1.8 per month. A clinic, health center, or other facility in which the pregnancies of ten or
1.9 more women known to be pregnant are willfully terminated or aborted each month,
1.10 including nonsurgical abortions, shall be licensed by the commissioner of health. The
1.11 commissioner of health shall adopt rules necessary for licensure under this section.

1.12 Subd. 2. Inspections; data privacy. The commissioner of health shall perform
1.13 inspections and investigations as deemed necessary. Information received by the
1.14 commissioner through filed reports, inspections, or as otherwise authorized under this
1.15 section is private data on individuals according to section 13.02, subdivision 12, and must
1.16 not be disclosed publicly in such manner as to identify individual patients, except to
1.17 another state agency for purposes of investigation of professional or business practices in
1.18 a licensed abortion facility. Any state agency that receives such data must not disclose
1.19 individual patient information publicly.

1.20 Subd. 3. No notice required for inspection. Every clinic, health center, or other
1.21 facility licensed under this section, and any other premise proposed to be conducted as a
1.22 facility by an applicant for a license, shall be open at all reasonable times to inspection
1.23 authorized in writing by the commissioner of health. No notice need be given to any
1.24 person prior to any inspection.

2.1 Subd. 4. **Severability.** If any one or more provision, section, subdivision, sentence,
2.2 clause, phrase, or word of this section or the application of it to any person or circumstance
2.3 is found to be unconstitutional, it is declared to be severable and the balance of this section
2.4 shall remain effective notwithstanding such unconstitutionality. The legislature intends
2.5 that it would have passed this section, and each provision, section, subdivision, sentence,
2.6 clause, phrase, or word, regardless of the fact that any one provision, section, subdivision,
2.7 sentence, clause, phrase, or word is declared unconstitutional.