State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2834

01/31/2022 Authored by Miller, Bahr, Munson, Drazkowski, Backer and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy

A bill for an act

relating to health; requiring provision of notice whether a medication, medical equipment, or medical device is developed or manufactured using aborted fetal tissue; providing for civil remedies; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Section 1. **[145.4225] REQUIRED NOTICE; MEDICATION, MEDICAL EQUIPMENT, OR MEDICAL DEVICE DEVELOPED OR MANUFACTURED USING ABORTED FETAL TISSUE.**

Subdivision 1. **Definitions.** (a) The terms defined in this subdivision apply to this section.

(b) "Aborted fetal tissue" means fetal tissue that is available as a result of an elective abortion.

(c) "Fetal tissue" means any body part, organ, or cell of an unborn human child. Fetal tissue does not include tissue or cells obtained from a placenta, umbilical cord, or amniotic fluid.

(d) "Medication" includes a prescription drug, over-the-counter medication, intravenous solution, or vaccine.

Subd. 2. **Required notice.** Prior to prescribing, administering, issuing, or recommending a medication to a patient, or to prescribing or using medical equipment or a medical device on a patient, a health care provider or designated clinic staff person must notify the patient, or the parent or legal guardian of a patient under age 18, as to whether aborted fetal tissue was or was not used in the research, development, or manufacture of the medication, medical

equipment, or medical device. This notice must be provided in writing and must be provided separately from all other notices provided to the patient, parent, or legal guardian.

Subd. 3. **Civil remedies.** (a) A patient may bring an action against the manufacturer of a medication, medical equipment, or medical device for damages caused by the manufacturer's failure to accurately disclose that aborted fetal tissue was used in the research, development, or manufacture of the medication, medical equipment, or medical device, if:

(1) the manufacturer disclosed that aborted fetal tissue was not used in research on or the development or manufacture of a medication, medical equipment, or medical device;

(2) the manufacturer knew or should have known that the information in clause (1) disclosed by the manufacturer was not accurate; and

(3) the patient received the information in clause (1) and relied on that information when consenting to the prescribing, administration, issuance, or use of the medication, medical equipment, or medical device.

(b) A patient may bring an action against a health care provider for damages caused by the health care provider's failure to accurately disclose that aborted fetal tissue was used in the research, development, or manufacture of a medication, medical equipment, or medical device, if:

(1) the health care provider prescribed, administered, issued, or recommended the medication, medical equipment, or medical device to the patient; and

(2) the health care provider or designated clinic staff person provided notice to the patient that aborted fetal tissue was not used in the research, development, or manufacture of the medication, medical equipment, or medical device and knew that this information was not accurate.