State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3689

03/12/2018	Authored by Kiel The bill was read for the first time and referred to the Committee on Health and Human Services Reform
03/28/2018	Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices Policy
04/09/2018	Adoption of Report: Placed on the General Register as Amended Read for the Second Time
05/07/2018	Calendar for the Day Read for the Third Time Passed by the House and transmitted to the Senate
05/14/2018	Passed by the Senate and returned to the House
05/16/2018	Presented to Governor
05/19/2018	Governor Approval

A bill for an act

relating to health; making changes to birth defect information system; amending Minnesota Statutes 2016, sections 144.2215, subdivision 1; 144.2216, subdivision 4.

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

Section 1. Minnesota Statutes 2016, section 144.2215, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The commissioner of health shall establish and maintain an information system containing data on the cause, treatment, prevention, and cure of major birth defects. The commissioner shall consult with representatives and experts in epidemiology, medicine, insurance, health maintenance organizations, genetics, consumers, and voluntary organizations in developing the system and may phase in the implementation of the system. Sections 144.2215 to 144.2219 apply to birth defects that develop during pregnancy and:

(1) result in live births; or

(2) result in fetal deaths, reportable under section 144.222.

Sec. 2. Minnesota Statutes 2016, section 144.2216, subdivision 4, is amended to read:

Subd. 4. **Opt out.** A parent or legal guardian must be informed by the commissioner at the time of the initial data collection that they may request removal at any time of personal identifying information concerning a child from the birth defects information system using a written form prescribed by the commissioner. The commissioner shall advise parents or legal guardians ~~of infants~~:

(1) that the information on birth defects may be retained by the Department of Health;

(2) of the benefit and privacy implications of retaining birth defects records;

(3) that they may elect to have the birth defects information collected once, within one year of birth or fetal death, as defined in section 144.222, but to require that all personally identifying information be destroyed immediately upon the commissioner receiving the information. If the parents ~~of an infant~~ or legal guardians object in writing to the maintaining of birth defects information, the objection or election shall be recorded on a form that is signed by a parent or legal guardian and submitted to the commissioner of health; and

(4) that if the parent or legal guardian chooses to opt-out, the commissioner will not be able to inform the parent or legal guardian ~~of a child~~ of information related to the prevention, treatment, or cause of a particular birth defect.