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State of Minnesota

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Page No. **178**

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 812

- 02/06/2017 Authored by Kiel; Daudt; Peppin; Murphy, M.; Scott and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 03/06/2017 Adoption of Report: Re-referred to the Committee on Government Operations and Elections Policy
- 03/15/2017 Adoption of Report: Re-referred to the Committee on Health and Human Services Finance
- 03/20/2017 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/20/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 04/24/2017 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
- 05/08/2017 Passed by the Senate and returned to the House
Presented to Governor
- 05/10/2017 Governor Veto

1.1 A bill for an act
1.2 relating to health; requiring licensure of abortion facilities; requiring a licensing
1.3 fee; appropriating money; proposing coding for new law in Minnesota Statutes,
1.4 chapter 145.

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

1.6 Section 1. **[145.4161] LICENSURE OF ABORTION FACILITIES.**

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions
1.8 apply.

1.9 (b) "Abortion facility" means a clinic, health center, or other facility in which the
1.10 pregnancies of ten or more women known to be pregnant are willfully terminated or aborted
1.11 each month. A facility licensed as a hospital or as an outpatient surgical center, pursuant to
1.12 sections 144.50 to 144.56, shall not be considered an abortion facility.

1.13 (c) "Accrediting or membership organization" means a national organization that
1.14 establishes evidence-based clinical standards for abortion care and accredits abortion facilities
1.15 or accepts as members abortion facilities following an application and inspection process.

1.16 (d) "Commissioner" means the commissioner of health.

1.17 Subd. 2. **License required.** (a) Beginning July 1, 2018, no abortion facility shall be
1.18 established, operated, or maintained in the state without first obtaining a license from the
1.19 commissioner according to this section.

1.20 (b) A license issued under this section is not transferable or assignable and is subject to
1.21 suspension or revocation at any time for failure to comply with this section.

2.1 (c) If a single entity maintains abortion facilities on different premises, each facility
2.2 must obtain a separate license.

2.3 (d) To be eligible for licensure under this section, an abortion facility must be accredited
2.4 or a member of an accrediting or membership organization or must obtain accreditation or
2.5 membership within six months of the date of the application for licensure. If the abortion
2.6 facility loses its accreditation or membership, the abortion facility must immediately notify
2.7 the commissioner.

2.8 (e) The commissioner, the attorney general, an appropriate county attorney, or a woman
2.9 upon whom an abortion has been performed or attempted to be performed at an unlicensed
2.10 facility may seek an injunction in district court against the continued operation of the facility.
2.11 Proceedings for securing an injunction may be brought by the attorney general or by the
2.12 appropriate county attorney.

2.13 (f) Sanctions provided in this subdivision do not restrict other available sanctions.

2.14 Subd. 3. **Temporary license.** For new abortion facilities planning to begin operations
2.15 after July 1, 2018, the commissioner may issue a temporary license to the abortion facility
2.16 that is valid for a period of six months from the date of issuance. The abortion facility must
2.17 submit to the commissioner an application and applicable fee for licensure as required under
2.18 subdivisions 4 and 7. The application must include the information required under subdivision
2.19 4, clauses (1), (2), (3), (5), and (6), and provide documentation that the abortion facility has
2.20 submitted the application for accreditation or membership from an accrediting or membership
2.21 organization. Upon receipt of accreditation or membership verification, the abortion facility
2.22 must submit to the commissioner the information required in subdivision 4, clause (4), and
2.23 the applicable fee under subdivision 7. The commissioner shall then issue a new license.

2.24 Subd. 4. **Application.** An application for a license to operate an abortion facility and
2.25 the applicable fee under subdivision 7 must be submitted to the commissioner on a form
2.26 provided by the commissioner and must contain:

2.27 (1) the name of the applicant;

2.28 (2) the site location of the abortion facility;

2.29 (3) the name of the person in charge of the facility;

2.30 (4) documentation that the abortion facility is accredited or an approved member of an
2.31 accrediting or membership organization, including the effective date and the expiration date
2.32 of the accreditation or membership, and the date of the last site visit by the accrediting or
2.33 membership organization;

3.1 (5) the names and license numbers, if applicable, of the health care professionals on
3.2 staff at the abortion facility; and

3.3 (6) any other information the commissioner deems necessary.

3.4 Subd. 5. **Inspections.** Prior to initial licensure and at least once every two years thereafter,
3.5 the commissioner shall perform a routine and comprehensive inspection of each abortion
3.6 facility. Facilities shall be open at all reasonable times to an inspection authorized in writing
3.7 by the commissioner. No notice need be given to any person prior to an inspection authorized
3.8 by the commissioner.

3.9 Subd. 6. **Suspension, revocation, and refusal to renew.** The commissioner may refuse
3.10 to grant or renew, or may suspend or revoke, a license on any of the grounds described
3.11 under section 144.55, subdivision 6, paragraph (a), clause (2), (3), or (4), or upon the loss
3.12 of accreditation or membership as described in subdivision 4, clause (4). The applicant or
3.13 licensee is entitled to notice and a hearing as described under section 144.55, subdivision
3.14 7, and a new license may be issued after proper inspection of an abortion facility has been
3.15 conducted.

3.16 Subd. 7. **Fees.** (a) The biennial license fee for abortion facilities is \$365.

3.17 (b) The temporary license fee is \$365.

3.18 (c) Fees shall be collected and deposited according to section 144.122.

3.19 Subd. 8. **Renewal.** (a) A license issued under this section expires two years from the
3.20 date of issue.

3.21 (b) A temporary license issued under this section expires six months from the date of
3.22 issue and may be renewed for one additional six-month period.

3.23 Subd. 9. **Records.** All health records maintained on each client by an abortion facility
3.24 are subject to sections 144.292 to 144.298.

3.25 Subd. 10. **Severability.** If any one or more provision, section, subdivision, sentence,
3.26 clause, phrase, or word of this section or the application of it to any person or circumstance
3.27 is found to be unconstitutional, it is declared to be severable and the balance of this section
3.28 shall remain effective notwithstanding such unconstitutionality. The legislature intends that
3.29 it would have passed this section, and each provision, section, subdivision, sentence, clause,
3.30 phrase, or word, regardless of the fact that any one provision, section, subdivision, sentence,
3.31 clause, phrase, or word is declared unconstitutional.

4.1 Sec. 2. **APPROPRIATION.**

4.2 \$55,000 in fiscal year 2018 and \$8,000 in fiscal year 2019 are appropriated from the
4.3 state government special revenue fund to the commissioner of health for licensing activities
4.4 under Minnesota Statutes, section 145.4161. The base for this program is \$42,000 in fiscal
4.5 year 2020 and \$8,000 in fiscal year 2021.