

1.1 A bill for an act

1.2 relating to health; establishing certain information displayed prior to an abortion;
1.3 adding a wrongful death action; providing civil and criminal penalties; amending
1.4 Minnesota Statutes 2008, sections 145.4241, by adding subdivisions; 145.4242;
1.5 145.4243; 518B.01, subdivision 2, by adding a subdivision; 573.02, subdivision
1.6 1; 609.2242, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.7 chapter 145.

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

1.9 Section 1. [145.4221] SIGN POSTING.

1.10 Subdivision 1. Definitions. For purposes of this section, the following terms have
1.11 the meaning given.

1.12 (a) "Abortion" means the use or prescription of any instrument, medicine, drug, or
1.13 any other substance or device to intentionally terminate the pregnancy of a female known
1.14 to be pregnant, with an intention other than to increase the probability of a live birth, to
1.15 preserve the life or health of the child after live birth, to remove a dead unborn child,
1.16 or to save the life of the mother.

1.17 (b) "Coerce" means to use or threaten to use any form of domination, restraint, or
1.18 control for the purpose of causing an individual to seek or obtain an abortion. Coercion
1.19 exists if the totality of the circumstances establishes the existence of domination, restraint,
1.20 or control that would have the reasonably foreseeable effect of causing an individual to
1.21 seek or obtain an abortion. Evidence of coercion may include, but is not limited to:

1.22 (1) physical force or actual or implied threats of physical force;

1.23 (2) physical or mental torture;

1.24 (3) implicitly or explicitly leading a woman to believe that the woman will be
1.25 protected from violence or arrest;

- 2.1 (4) kidnapping;
- 2.2 (5) defining the terms of an individual's employment or working conditions in a
- 2.3 manner that can foreseeably lead to the individual seeking or obtaining an abortion;
- 2.4 (6) blackmail;
- 2.5 (7) extortion or claims of indebtedness;
- 2.6 (8) threat of legal complaint or report of delinquency;
- 2.7 (9) threat to interfere with parental rights or responsibilities, whether by judicial or
- 2.8 administrative action or otherwise;
- 2.9 (10) promise of legal benefit, such as posting bail, procuring an attorney, protecting
- 2.10 from arrest, or promising unionization;
- 2.11 (11) promise of financial rewards;
- 2.12 (12) promise of marriage;
- 2.13 (13) restraining speech or communication with others, such as exploiting a language
- 2.14 difference, or interfering with the use of mail, telephone, or money;
- 2.15 (14) isolating the individual from others;
- 2.16 (15) exploiting a condition of developmental disability, cognitive limitation,
- 2.17 affective disorder, or substance dependency;
- 2.18 (16) taking advantage of lack of intervention by child protection;
- 2.19 (17) exploiting victimization by previous sexual abuse or battering;
- 2.20 (18) exploiting pornographic performance;
- 2.21 (19) interfering with opportunities for education or skills training;
- 2.22 (20) destroying property;
- 2.23 (21) restraining movement;
- 2.24 (22) exploiting HIV status, particularly where the defendant's previous coercion led
- 2.25 to the HIV exposure; or
- 2.26 (23) exploiting needs for food, shelter, safety, affection, or intimate or marital
- 2.27 relationships.
- 2.28 (c) "Commissioner" means the commissioner of health.
- 2.29 (d) "Hospital" means an institution licensed by the commissioner of health;
- 2.30 adequately and properly staffed and equipped; providing services, facilities, and beds for
- 2.31 the reception and care of one or more nonrelated persons for a continuous period longer
- 2.32 than 24 hours for diagnosis, treatment or care of illness, injury, or pregnancy; and regularly
- 2.33 providing clinical laboratory services, diagnostic x-ray services, and treatment facilities for
- 2.34 surgery, obstetrical care, or other definitive medical treatment of similar extent. Hospital
- 2.35 shall not include diagnostic or treatment centers, physicians' offices or clinics, or other
- 2.36 facilities for the foster care of children licensed by the commissioner of human services.

3.1 (e) "Physician" means a person licensed as a physician or osteopath under chapter
3.2 147.

3.3 (f) "Woman" includes a minor female.

3.4 Subd. 2. **Sign posting required.** (a) Any private office or freestanding outpatient
3.5 clinic in which abortions are performed, induced or prescribed for, or where the means
3.6 for an abortion are provided shall conspicuously post a sign clearly visible to patients in
3.7 each waiting room and patient consultation room used by patients on whom abortions
3.8 are performed, induced or prescribed for, or who are provided with the means for an
3.9 abortion that reads:

3.10 "Notice: No one can force you to have an abortion. It is against the law for a spouse,
3.11 boyfriend, parent, friend, medical care provider, or any other person, regardless
3.12 of that person's relationship to you, to force you to have an abortion. By law we
3.13 cannot perform, induce, prescribe for, or provide you with the means for an abortion
3.14 unless we have your freely given and voluntary consent. You have the right to
3.15 contact any local or state law enforcement agency to receive protection from any
3.16 actual or threatened physical injury, abuse, or violence. Private access to a telephone
3.17 and information about safe transportation and services available to help will be
3.18 provided to you upon request."

3.19 (b) The sign must be at least 11 inches by 17 inches and printed with lettering that is
3.20 legible, in at least 44-point type, and at least one-quarter inch in size.

3.21 Subd. 3. **Hospital and referring physician.** (a) A hospital or any other facility in
3.22 which abortions are performed, induced or prescribed for, where the means for an abortion
3.23 are provided, or where referrals for abortions are made, that is not a private office or
3.24 freestanding outpatient clinic shall conspicuously post a sign clearly visible to patients
3.25 in each patient consultation room used by patients on whom abortions are performed,
3.26 induced or prescribed for, or who are provided with the means for an abortion that reads:

3.27 "Notice: No one can force you to have an abortion. It is against the law for a spouse,
3.28 boyfriend, parent, friend, medical care provider, or any other person, regardless of
3.29 that person's relationship to you, to force you to have an abortion. By law we cannot
3.30 perform, induce, prescribe for, or provide you with the means for an abortion unless
3.31 we have your freely given and voluntary consent. You have the right to contact
3.32 any local or state law enforcement agency to receive protection from any actual or
3.33 threatened physical injury, abuse, or violence. Private access to a telephone and
3.34 information about safe transportation and services available to help you will be
3.35 provided upon request."

4.1 (b) The sign shall be at least 5.5 inches by 8.5 inches and printed with lettering
4.2 that is legible, in at least 20-point type, and at least 3/16 inch in size. The sign must be
4.3 made available by the Department of Health.

4.4 (c) A hospital or any other facility in which abortions are performed, induced
4.5 or prescribed for, where the means for an abortion are provided, or where referrals for
4.6 abortions are made, that is not a private office or freestanding outpatient clinic, shall
4.7 provide the patient on whom abortions are referred for, performed, induced or prescribed
4.8 for, or who are provided with the means for an abortion, with the handout described
4.9 in subdivision 4, printed in a type face large enough to be clearly legible according to
4.10 section 145.4243, paragraph (b), and provided by the Department of Health. The referring
4.11 physician shall provide the patient who is referred for an abortion with the handout
4.12 described in subdivision 4, printed in a type face large enough to be clearly legible
4.13 according to section 145.4243, paragraph (b), and provided by the Department of Health.

4.14 Subd. 4. **Signs and handouts available.** Within 90 days after July 1, 2009, the
4.15 Department of Health must make the sign and a handout containing the text of the sign
4.16 suitable for distribution available to all facilities where abortions are performed, induced
4.17 or prescribed for, where the means for an abortion are provided, or where referrals for
4.18 abortions are made.

4.19 Subd. 5. **Penalties.** (a) Anyone who fails to comply with subdivision 2 or 3 shall
4.20 be assessed an administrative fine of \$10,000. Each subsequent violation is a separate
4.21 violation.

4.22 (b) An action may be brought by or on behalf of an individual injured by the failure
4.23 to post the required sign or by failure to receive the copy of the sign. A plaintiff in an
4.24 action under this section may recover damages for emotional distress.

4.25 (c) In determining liability and validity of informed consent, the failure to comply
4.26 with the requirements of posting the sign and disseminating a copy of the sign is
4.27 presumptive that the plaintiff would not have undertaken the recommended abortion had
4.28 the sign posting and dissemination of the copy of the sign been complied with.

4.29 (d) Any person upon whom an abortion has been performed without complying
4.30 with this section may maintain an action against the person who performed the abortion
4.31 in knowing or reckless violation of this section for actual and punitive damages. Any
4.32 person upon whom an abortion has been attempted without complying with this section
4.33 may maintain an action against the person who attempted to perform the abortion in
4.34 knowing or reckless violation of this section for actual and punitive damages. No liability
4.35 may be assessed for failure to comply with this section, unless the commissioner has
4.36 made the sign available.

5.1 (e) If judgment is rendered in favor of the plaintiff in any action described in this
5.2 section, the court shall also render judgment for reasonable attorney fees in favor of the
5.3 plaintiff against the defendant. If judgment is rendered in favor of the defendant and the
5.4 court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also
5.5 render judgment for reasonable attorney fees in favor of the defendant against the plaintiff.

5.6 Sec. 2. [145.4222] SCREENING REQUIREMENT.

5.7 Subdivision 1. Definitions. For purposes of this section, the following terms have
5.8 the meanings given.

5.9 (a) "Abortion" means the use or prescription of any instrument, medicine, drug, or
5.10 any other substance or device to intentionally terminate the pregnancy of a female known
5.11 to be pregnant, with an intention other than to increase the probability of a live birth, to
5.12 preserve the life or health of the child after live birth, or to remove a dead fetus.

5.13 (b) "Coerce" has the meaning given in section 145.4221, subdivision 1, paragraph
5.14 (c).

5.15 (c) "Minor" means a female who is under the age of 18.

5.16 (d) "Physician" means a person licensed as a physician or osteopath under chapter
5.17 147.

5.18 Subd. 2. Screening. (a) If a minor patient schedules an appointment for an abortion,
5.19 the physician or physician's agent shall ensure that the patient's request for an abortion
5.20 is not the result of coercion by asking the minor patient, while the minor patient is in
5.21 the presence of no one other than the physician or physician's agent, and before the
5.22 abortion takes place, if any person, regardless of the person's relationship to her, such as
5.23 a boyfriend, the unborn child's father, the minor patient's parents, siblings, relatives, or
5.24 employer, is forcing her to seek or obtain an abortion against her will.

5.25 (b) If a minor patient indicates that she is the victim of coerced abortion, the
5.26 physician or physician's agent shall:

5.27 (1) provide the patient with private access to a telephone and with information about
5.28 safe transportation and services available to help her; and

5.29 (2) contact a county child protective services agency.

5.30 Subd. 3. Penalties. (a) Any private office, freestanding outpatient clinic, hospital,
5.31 or other facility or clinic that fails to screen a minor patient in knowing, reckless, or
5.32 negligent violation shall be assessed a fine of \$10,000. In determining liability and
5.33 validity of informed consent, the failure to comply with the screening requirements is
5.34 presumptive that the plaintiff would not have undertaken the recommended abortion
5.35 had the requirements been complied with.

6.1 (b) Any person upon whom an abortion has been performed without complying
6.2 with this section may maintain an action against the person who performed the abortion
6.3 in knowing or reckless violation of this section for actual and punitive damages. Any
6.4 person upon whom an abortion has been attempted without complying with this section
6.5 may maintain an action against the person who attempted to perform the abortion in
6.6 knowing or reckless violation of this section for actual and punitive damages. No civil
6.7 liability may be assessed for failure to comply with this section requiring information
6.8 about safe transportation and available services, unless the commissioner of health has
6.9 made the materials available at the time the physician or the physician's agent is required
6.10 to provide the female with a telephone and the materials.

6.11 (c) If judgment is rendered in favor of the plaintiff in any action described in this
6.12 section, the court shall also render judgment for reasonable attorney fees in favor of the
6.13 plaintiff against the defendant. If judgment is rendered in favor of the defendant and the
6.14 court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also
6.15 render judgment for reasonable attorney fees in favor of the defendant against the plaintiff.

6.16 Sec. 3. Minnesota Statutes 2008, section 145.4241, is amended by adding a subdivision
6.17 to read:

6.18 Subd. 2a. **Abuse.** "Abuse" has the meaning given in section 518B.01, subdivision 2,
6.19 paragraph (a).

6.20 Sec. 4. Minnesota Statutes 2008, section 145.4241, is amended by adding a subdivision
6.21 to read:

6.22 Subd. 2b. **Coerce.** "Coerce" has the meaning given in section 145.4221.

6.23 Sec. 5. Minnesota Statutes 2008, section 145.4242, is amended to read:

6.24 **145.4242 INFORMED CONSENT.**

6.25 (a) No abortion shall be performed in this state except with the voluntary and
6.26 informed consent of the female upon whom the abortion is to be performed. Except in
6.27 the case of a medical emergency or if the fetus has an anomaly incompatible with life,
6.28 and the female has declined perinatal hospice care, consent to an abortion is voluntary
6.29 and informed only if:

6.30 (1) the female is told the following, by telephone or in person, by the physician who
6.31 is to perform the abortion or by a referring physician, at least 24 hours before the abortion:

S.F. No. 1989, as introduced - 86th Legislative Session (2009-2010) [09-2643]

7.1 (i) the particular medical risks associated with the particular abortion procedure to be
7.2 employed including, when medically accurate, the risks of infection, hemorrhage, breast
7.3 cancer, danger to subsequent pregnancies, and infertility;

7.4 (ii) the probable gestational age of the unborn child at the time the abortion is to
7.5 be performed;

7.6 (iii) the medical risks associated with carrying her child to term; and

7.7 (iv) for abortions after 20 weeks gestational, whether or not an anesthetic or
7.8 analgesic would eliminate or alleviate organic pain to the unborn child caused by the
7.9 particular method of abortion to be employed and the particular medical benefits and risks
7.10 associated with the particular anesthetic or analgesic.

7.11 The information required by this clause may be provided by telephone without
7.12 conducting a physical examination or tests of the patient, in which case the information
7.13 required to be provided may be based on facts supplied to the physician by the female and
7.14 whatever other relevant information is reasonably available to the physician. It may not be
7.15 provided by a tape recording, but must be provided during a consultation in which the
7.16 physician is able to ask questions of the female and the female is able to ask questions
7.17 of the physician. If a physical examination, tests, or the availability of other information
7.18 to the physician subsequently indicate, in the medical judgment of the physician, a
7.19 revision of the information previously supplied to the patient, that revised information
7.20 may be communicated to the patient at any time prior to the performance of the abortion.
7.21 Nothing in this section may be construed to preclude provision of required information in
7.22 a language understood by the patient through a translator;

7.23 (2) the female is informed, by telephone or in person, by the physician who is to
7.24 perform the abortion, by a referring physician, or by an agent of either physician at least
7.25 24 hours before the abortion:

7.26 (i) that medical assistance benefits may be available for prenatal care, childbirth,
7.27 and neonatal care;

7.28 (ii) that the father is liable to assist in the support of her child, even in instances
7.29 when the father has offered to pay for the abortion; ~~and~~

7.30 (iii) that she has the right to review the printed materials described in section
7.31 145.4243, that these materials are available on a state-sponsored Web site, and what the
7.32 Web site address is. The physician or the physician's agent shall orally inform the female
7.33 that the materials have been provided by the state of Minnesota and that they describe the
7.34 unborn child, list agencies that offer alternatives to abortion, and contain information on
7.35 fetal pain. If the female chooses to view the materials other than on the Web site, they
7.36 shall either be given to her at least 24 hours before the abortion or mailed to her at least 72

8.1 hours before the abortion by certified mail, restricted delivery to addressee, which means
8.2 the postal employee can only deliver the mail to the addressee; and

8.3 (iv) No one shall force or coerce a pregnant female into seeking or obtaining an
8.4 abortion against the pregnant female's will.

8.5 The information required by this clause may be provided by a tape recording if
8.6 provision is made to record or otherwise register specifically whether the female does or
8.7 does not choose to have the printed materials given or mailed to her;

8.8 (3) the female certifies in writing, prior to the abortion, that the information
8.9 described in clauses (1) and (2) has been furnished to her and that she has been informed
8.10 of her opportunity to review the information referred to in clause (2), subclause (iii); and

8.11 (4) prior to the performance of the abortion, the physician who is to perform the
8.12 abortion or the physician's agent obtains a copy of the written certification prescribed by
8.13 clause (3) and retains it on file with the female's medical record for at least three years
8.14 following the date of receipt.

8.15 (b) Prior to administering the anesthetic or analgesic as described in paragraph (a),
8.16 clause (1), item (iv), the physician must disclose to the woman any additional cost of the
8.17 procedure for the administration of the anesthetic or analgesic. If the woman consents
8.18 to the administration of the anesthetic or analgesic, the physician shall administer the
8.19 anesthetic or analgesic or arrange to have the anesthetic or analgesic administered.

8.20 (c) A female seeking an abortion of her unborn child diagnosed with fetal anomaly
8.21 incompatible with life must be informed of available perinatal hospice services and offered
8.22 this care as an alternative to abortion. If perinatal hospice services are declined, voluntary
8.23 and informed consent by the female seeking an abortion is given if the female receives
8.24 the information required in paragraphs (a), clause (1), and (b). The female must comply
8.25 with the requirements in paragraph (a), clauses (3) and (4).

8.26 Sec. 6. Minnesota Statutes 2008, section 145.4243, is amended to read:

8.27 **145.4243 PRINTED INFORMATION.**

8.28 (a) Within 90 days after July 1, 2003, the commissioner of health shall cause to be
8.29 published, in English and in each language that is the primary language of two percent
8.30 or more of the state's population, and shall cause to be available on the state Web site
8.31 provided for under section 145.4244 the following printed materials in such a way as to
8.32 ensure that the information is easily comprehensible:

8.33 (1) geographically indexed materials designed to inform the female of public and
8.34 private agencies and services available to assist a female through pregnancy, upon
8.35 childbirth, and while the child is dependent, including adoption agencies, which shall

S.F. No. 1989, as introduced - 86th Legislative Session (2009-2010) [09-2643]

9.1 include a comprehensive list of the agencies available, a description of the services they
9.2 offer, and a description of the manner, including telephone numbers, in which they might
9.3 be contacted or, at the option of the commissioner of health, printed materials including a
9.4 toll-free, 24-hours-a-day telephone number that may be called to obtain, orally or by a tape
9.5 recorded message tailored to a zip code entered by the caller, such a list and description of
9.6 agencies in the locality of the caller and of the services they offer;

9.7 (2) materials designed to inform the female of the probable anatomical and
9.8 physiological characteristics of the unborn child at two-week gestational increments
9.9 from the time when a female can be known to be pregnant to full term, including any
9.10 relevant information on the possibility of the unborn child's survival and pictures or
9.11 drawings representing the development of unborn children at two-week gestational
9.12 increments, provided that any such pictures or drawings must contain the dimensions
9.13 of the fetus and must be realistic and appropriate for the stage of pregnancy depicted.
9.14 The materials shall be objective, nonjudgmental, and designed to convey only accurate
9.15 scientific information about the unborn child at the various gestational ages. The material
9.16 shall also contain objective information describing the methods of abortion procedures
9.17 commonly employed, the medical risks commonly associated with each procedure, the
9.18 possible detrimental psychological effects of abortion, and the medical risks commonly
9.19 associated with carrying a child to term; ~~and~~

9.20 (3) materials designed to inform the female that no one can force her into seeking
9.21 or obtaining an abortion against her will, that there are services available to assist any
9.22 woman who is experiencing actual or threatened physical abuse or violence, and that she
9.23 has a right to contact any local or state law enforcement agency to receive protection from
9.24 any actual or threatened physical abuse or violence; and

9.25 ~~(3)~~ (4) materials with the following information concerning an unborn child of 20
9.26 weeks gestational age and at two weeks gestational increments thereafter in such a way as
9.27 to ensure that the information is easily comprehensible:

- 9.28 (i) the development of the nervous system of the unborn child;
- 9.29 (ii) fetal responsiveness to adverse stimuli and other indications of capacity to
9.30 experience organic pain; and
- 9.31 (iii) the impact on fetal organic pain of each of the methods of abortion procedures
9.32 commonly employed at this stage of pregnancy.

9.33 The material under this clause shall be objective, nonjudgmental, and designed to
9.34 convey only accurate scientific information.

9.35 (b) The materials referred to in this section must be printed in a typeface large
9.36 enough to be clearly legible. The Web site provided for under section 145.4244 shall be

10.1 maintained at a minimum resolution of 70 DPI (dots per inch). All pictures appearing on
10.2 the Web site shall be a minimum of 200x300 pixels. All letters on the Web site shall be
10.3 a minimum of 11-point font. All information and pictures shall be accessible with an
10.4 industry standard browser, requiring no additional plug-ins. The materials required under
10.5 this section must be available at no cost from the commissioner of health upon request and
10.6 in appropriate number to any person, facility, or hospital.

10.7 Sec. 7. Minnesota Statutes 2008, section 518B.01, subdivision 2, is amended to read:

10.8 Subd. 2. **Definitions.** As used in this section, the following terms shall have the
10.9 meanings given them:

10.10 (a) "Domestic abuse" means the following, if committed against a family or
10.11 household member by a family or household member:

10.12 (1) physical harm, bodily injury, or assault;

10.13 (2) the infliction of fear of imminent physical harm, bodily injury, or assault; ~~or~~

10.14 (3) coerce, as defined in section 145.4221, or attempts to coerce a woman to seek
10.15 or obtain an abortion, regardless of whether the pregnant female actually obtains an
10.16 abortion; or

10.17 ~~(3)~~ (4) terroristic threats, within the meaning of section 609.713, subdivision 1;
10.18 criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344,
10.19 609.345, or 609.3451; or interference with an emergency call within the meaning of
10.20 section 609.78, subdivision 2.

10.21 (b) "Family or household members" means:

10.22 (1) spouses and former spouses;

10.23 (2) parents and children;

10.24 (3) persons related by blood;

10.25 (4) persons who are presently residing together or who have resided together in
10.26 the past;

10.27 (5) persons who have a child in common regardless of whether they have been
10.28 married or have lived together at any time;

10.29 (6) a man and woman if the woman is pregnant and the man is alleged to be the
10.30 father, regardless of whether they have been married or have lived together at any time; and

10.31 (7) persons involved in a significant romantic or sexual relationship.

10.32 Issuance of an order for protection on the ground in clause (6) does not affect a
10.33 determination of paternity under sections 257.51 to 257.74. In determining whether
10.34 persons are or have been involved in a significant romantic or sexual relationship
10.35 under clause (7), the court shall consider the length of time of the relationship; type of

S.F. No. 1989, as introduced - 86th Legislative Session (2009-2010) [09-2643]

11.1 relationship; frequency of interaction between the parties; and, if the relationship has
11.2 terminated, length of time since the termination.

11.3 (c) "Qualified domestic violence-related offense" has the meaning given in section
11.4 609.02, subdivision 16.

11.5 Sec. 8. Minnesota Statutes 2008, section 518B.01, is amended by adding a subdivision
11.6 to read:

11.7 Subd. 24. **Notification required.** Upon the request of the female victim, a law
11.8 enforcement agency investigating a violation of subdivision 2, clause (3), shall notify the
11.9 female victim not less than 24 hours before initially contacting the person alleged to
11.10 have committed a violation of clause (3).

11.11 Sec. 9. Minnesota Statutes 2008, section 573.02, subdivision 1, is amended to read:

11.12 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or
11.13 omission of any person or corporation, the trustee appointed as provided in subdivision
11.14 3 may maintain an action therefor if the decedent might have maintained an action, had
11.15 the decedent lived, for an injury caused by the wrongful act or omission. An action to
11.16 recover damages for a death caused by the alleged professional negligence of a physician,
11.17 surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist,
11.18 hospital or sanitarium shall be commenced within three years of the date of death, but
11.19 in no event shall be commenced beyond the time set forth in section 541.076. An action
11.20 to recover damages for a death caused by an intentional act constituting murder may
11.21 be commenced at any time after the death of the decedent. Any other action under this
11.22 section may be commenced within three years after the date of death provided that the
11.23 action must be commenced within six years after the act or omission. The recovery in
11.24 the action is the amount the jury deems fair and just in reference to the pecuniary loss
11.25 resulting from the death, and shall be for the exclusive benefit of the surviving spouse and
11.26 next of kin, proportionate to the pecuniary loss severally suffered by the death. The court
11.27 then determines the proportionate pecuniary loss of the persons entitled to the recovery
11.28 and orders distribution accordingly. Funeral expenses and any demand for the support of
11.29 the decedent allowed by the court having jurisdiction of the action, are first deducted and
11.30 paid. Punitive damages may be awarded as provided in section 549.20.

11.31 (b) If an action for the injury was commenced by the decedent and not finally
11.32 determined while living, it may be continued by the trustee for recovery of damages
11.33 for the exclusive benefit of the surviving spouse and next of kin, proportionate to the
11.34 pecuniary loss severally suffered by the death. The court on motion shall make an order

S.F. No. 1989, as introduced - 86th Legislative Session (2009-2010) [09-2643]

12.1 allowing the continuance and directing pleadings to be made and issues framed as in
12.2 actions begun under this section.

12.3 (c) A female who was forced or coerced to have an abortion shall have a cause of
12.4 action for wrongful death of the unborn child against the person who forced or coerced
12.5 the female to have an abortion.

12.6 Sec. 10. Minnesota Statutes 2008, section 609.2242, subdivision 1, is amended to read:

12.7 Subdivision 1. **Misdemeanor.** (a) Whoever does any of the following against a
12.8 family or household member as defined in section 518B.01, subdivision 2, commits an
12.9 assault and is guilty of a misdemeanor:

12.10 (1) commits an act with intent to cause fear in another of immediate bodily harm or
12.11 death; ~~or~~

12.12 (2) intentionally inflicts or attempts to inflict bodily harm upon another; or

12.13 (3) coerce, as defined in section 145.4221, or attempts to coerce a woman to seek or
12.14 obtain an abortion, regardless of whether the pregnant female actually obtains an abortion.

12.15 (b) Upon the request of the female victim, a law enforcement agency investigating a
12.16 violation of clause (3) shall notify the female victim not less than 24 hours before initially
12.17 contacting the person alleged to have committed a violation of this subdivision.

12.18 Sec. 11. **WOMAN'S RIGHT TO KNOW WEB SITE.**

12.19 The Department of Health must update the Woman's Right to Know Web site with
12.20 the information contained in this act. The department may use the remaining Woman's
12.21 Right to Know booklets and when the booklets are reprinted, the information in this act
12.22 including prohibited coercion must be included.