CHAPTER 31--H.F.No. 366

An act relating to health care; limiting the release of health records in cases related to reproductive health; prohibiting certain acts by certain health-related licensing boards; prohibiting disqualification on background study for accessing or providing reproductive health care; preventing the enforcement of certain judgments related to reproductive health; restricting the enforcement of subpoenas issued in cases related to reproductive health; creating a cause of action for penalties and court costs for lawsuits related to reproductive health; prohibiting extradition of persons charged in another state for acts committed or services received in Minnesota related to reproductive health; amending Minnesota Statutes 2022, sections 147.091, by adding a subdivision; 147A.13, by adding a subdivision; 148.261, by adding a subdivision; 151.071, by adding a subdivision; 245C.15, by adding a subdivision; 629.01; 629.02; 629.05; 629.06; 629.13; 629.14; proposing coding for new law in Minnesota Statutes, chapters 144; 548; 604.

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

Section 1. **[144.2935] HEALTH RECORDS; REPRODUCTIVE HEALTH CARE SERVICES.**

Subdivision 1. **Definition.** For purposes of this section, "reproductive health care services" means medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy.

Subd. 2. **Law or court order of another state.** Neither a law in another state authorizing a civil or criminal subpoena to obtain a patient's health records relating to the provision of reproductive health care services to the patient, nor an order issued by a court in another state authorizing the investigation or enforcement of another state's law that restricts or punishes the provision, receipt, or attempted provision or receipt of reproductive health care services to a patient, constitutes a specific authorization in law under section 144.293, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2022, section 147.091, is amended by adding a subdivision to read:

Subd. 1c. **Reproductive health care services.** (a) For purposes of this subdivision, "reproductive health care services" means medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy.

(b) Notwithstanding subdivision 1, paragraph (c) or (d), the board shall not refuse to grant a license to an applicant for licensure, refuse to grant registration to a physician to perform interstate telehealth services, or impose disciplinary action against a physician solely on one or more of the following grounds:

(1) the applicant or physician provided or assisted in the provision of reproductive health care services in a manner that is lawful in this state and that is within the applicable scope of practice;

(2) the applicant or physician was convicted in another jurisdiction of a felony resulting from conduct specified in clause (1); or

(3) the applicant or physician was subject to disciplinary action in another jurisdiction or was refused a license to practice medicine in another jurisdiction resulting from conduct specified in clause (1).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2022, section 147A.13, is amended by adding a subdivision to read:

Subd. 1a. **Reproductive health care services.** (a) For purposes of this subdivision, "reproductive health care services" has the meaning given in section 147.091, subdivision 1c.

(b) Notwithstanding subdivision 1, clause (3) or (4), the board shall not refuse to grant a license to an applicant for licensure or impose disciplinary action against a physician assistant solely on one or more of the following grounds:

(1) the applicant or physician assistant provided or assisted in the provision of reproductive health care services in a manner that is lawful in this state and that is within the applicable scope of practice;

(2) the applicant or physician assistant was convicted in another jurisdiction of a felony resulting from conduct specified in clause (1); or

(3) the applicant or physician assistant was subject to disciplinary action in another jurisdiction or was refused a physician assistant license in another jurisdiction resulting from conduct specified in clause (1).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2022, section 148.261, is amended by adding a subdivision to read:

Subd. 1b. **Reproductive health care services.** (a) For purposes of this subdivision, "reproductive health care services" has the meaning given in section 147.091, subdivision 1c.

(b) Notwithstanding subdivision 1, clause (3) or (4), the board shall not refuse to grant a license to an applicant for licensure or impose disciplinary action against a nurse solely on one or more of the following grounds:

(1) the applicant or nurse provided or assisted in the provision of reproductive health care services in a manner that is lawful in this state and that is within the applicable scope of practice;

(2) the applicant or nurse was convicted in another jurisdiction of a felony resulting from conduct specified in clause (1); or

(3) the applicant or nurse was subject to disciplinary action in another jurisdiction or was refused a license to practice advanced practice, professional, or practical nursing in another jurisdiction resulting from conduct specified in clause (1).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2022, section 151.071, is amended by adding a subdivision to read:

Subd. 2b. **Reproductive health care services.** (a) For purposes of this subdivision, "reproductive health care services" has the meaning given in section 147.091, subdivision 1c.

(b) Notwithstanding subdivision 1 and subdivision 2, clause (3), (6), or (7), the board shall not refuse to grant a license to an applicant for licensure or impose disciplinary action against a pharmacist, pharmacy technician, or pharmacist intern solely on one or more of the following grounds:

(1) the applicant or a pharmacist, pharmacy technician, or pharmacist intern provided or assisted in the provision of reproductive health care services in a manner that is lawful in this state and that is within the applicable scope of practice;

(2) the applicant or a pharmacist, pharmacy technician, or pharmacist intern was convicted in another jurisdiction of a felony resulting from conduct specified in clause (1); or

(3) the applicant or a pharmacist, pharmacy technician, or pharmacist intern was subject to disciplinary action in another jurisdiction or was refused a license to practice pharmacy in another jurisdiction resulting from conduct specified in clause (1).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2022, section 245C.15, is amended by adding a subdivision to read:

Subd. 6. **Reproductive health care services.** The commissioner may not disqualify an individual subject to a background study under this chapter for accessing or providing reproductive health care services, as defined in section 147.091, subdivision 1c.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. **[548.252] APPLICATION OF LAW; ENFORCEMENT OF JUDGMENTS; REPRODUCTIVE HEALTH.**

(a) A law of another state that authorizes a person to bring a civil action against a person or entity that does any of the following is contrary to the public policy of this state:

(1) terminates a pregnancy or seeks to terminate a pregnancy;

(2) performs an act to terminate a pregnancy;

(3) knowingly engages in conduct that assists in the termination of a pregnancy; or

(4) attempts or intends to engage in the conduct specified in clause (1), (2), or (3).

(b) A court in this state shall not apply a law described in paragraph (a) to a cause of action. A court in this state shall not enforce or satisfy a civil judgment received through an adjudication under a law described in paragraph (a).

(c) Notwithstanding any law to the contrary, a subpoena issued in this state for an action pending in another state or issued in another state for an action pending in that state for the attendance of a witness or the production of records shall not be enforced in this state if the subpoena relates to a potential civil or criminal action against a patient, health care provider, or other person for violating a law of the other state that restricts or limits access to, or the provision of, the termination of a pregnancy.

(d) This section does not apply if the act on which the cause of action, judgment, or subpoena was based would have served as the basis for a valid cause of action in this state or if, at the time the act was performed, the act could have subjected a patient, health care provider, or other person to a civil action or criminal penalties in this state if the act had taken place in this state.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. **[604.415] CIVIL LIABILITY FOR REPRODUCTIVE HEALTH PENALTIES.**

Except when a case would be the basis for a valid cause of action in this state, a person against whom a judgment is entered pursuant to the laws of any other state based on the alleged provision, receipt, assistance in the provision or receipt, or material support in the provision or receipt of any reproductive health care services that are permitted in this state may bring an action against the person who brought the action leading to that judgment or who sought to enforce that judgment for:

(1) actual damages in the amount of the judgment in the other state;

(2) costs and reasonable attorney fees incurred in defending the action that resulted in the judgment in the other state; and

(3) costs and reasonable attorney fees incurred to bring an action under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2022, section 629.01, is amended to read:

629.01 DEFINITIONS.

Where appearing in sections 629.01 to 629.29, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States. The terms "committing an act in this state" and "acts committed in this state" include any action taken while the person is physically present in this state.

Sec. 10. Minnesota Statutes 2022, section 629.02, is amended to read:

629.02 DUTIES OF GOVERNOR IN EXTRADITION MATTERS.

Subject to the provisions of sections 629.01 to 629.29, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and if found in this state. Nothing in this section shall limit any person's right to move freely between states or to enjoy the privileges and immunities of this state, and no person shall be arrested or delivered up to the executive authority of any other state of the United States for acts committed in this state or services received in this state involving any medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 11. Minnesota Statutes 2022, section 629.05, is amended to read:

629.05 EXTRADITION BY AGREEMENT.

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against that person in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or the person's term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state who is charged in the manner provided in section 629.23 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily, except that no person shall be surrendered for acts committed in this state or services received in this state involving any medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 12. Minnesota Statutes 2022, section 629.06, is amended to read:

629.06 EXTRADITION OF PERSONS COMMITTING CRIME.

(a) Except as provided in paragraph (b), the governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 629.03 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state, whose executive authority is making the demand, and the provisions of sections 629.01 to 629.29 not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

(b) Nothing in this section shall limit any person's right to move freely between states or to enjoy the privileges and immunities of this state, and no person shall be surrendered to the executive authority of any other state for acts involving any medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 13. Minnesota Statutes 2022, section 629.13, is amended to read:

629.13 WHO MAY BE APPREHENDED.

When any person within this state is charged on the oath of any credible person before any judge of this state with the commission of any crime in any other state other than a crime arising from acts committed in this state or services received in this state involving any medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy, and, except in cases arising under section 629.06, with having fled from justice, with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of bail, probation, or parole, or when complaint has been made before any judge in this state setting forth on the affidavit of any credible person in another state that a crime

has been committed in the other state and that the accused has been charged in that state with the commission of the crime and, except in cases arising under section 629.06, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of bail, probation, or parole, and is believed to be in this state, the judge shall issue a warrant directed to any peace officer commanding the officer to apprehend the person named in it, wherever the accused may be found in this state, and to bring the accused before the same or any other judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit. A certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 14. Minnesota Statutes 2022, section 629.14, is amended to read:

629.14 ARREST WITHOUT WARRANT.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, except that no person shall be arrested if the accused stands charged in the courts of any other state for acts committed in this state or services received in this state involving any medical, surgical, counseling, or referral services relating to the human reproductive system, including but not limited to services related to pregnancy, contraception, or the termination of a pregnancy. When arrested the accused must be taken before a judge with all practicable speed and complaint must be made against the accused under oath setting forth the ground for the arrest as in section 629.13. Thereafter the answer shall be heard as if the accused had been arrested on a warrant.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor April 26, 2023

Signed by the governor April 27, 2023, 10:14 a.m.