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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3572

02/12/2024 Authored by Berg
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; providing for informed consent for sensitive examinations of
1.3 an anesthetized or unconscious patient; establishing a penalty; proposing coding
1.4 for new law in Minnesota Statutes, chapter 145.

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

1.6 Section 1. [145.076] INFORMED CONSENT REQUIRED FOR SENSITIVE
1.7 EXAMINATIONS.

1.8 Subdivision 1. Definition. For the purposes of this section, "sensitive examination"
1.9 means a pelvic, breast, urogenital, or rectal examination.

1.10 Subd. 2. Informed consent required; exceptions. A health professional, or a student
1.11 or resident participating in a course of instruction, clinical training, or a residency program
1.12 for a health profession, shall not perform a sensitive examination on an anesthetized or
1.13 unconscious patient unless:

1.14 (1) the patient or the patient's legally authorized representative provided prior, written,
1.15 informed consent to the sensitive examination, and the sensitive examination is necessary
1.16 for preventive, diagnostic, or treatment purposes;

1.17 (2) the patient or the patient's legally authorized representative provided prior, written,
1.18 informed consent to a surgical procedure or diagnostic examination, and the sensitive
1.19 examination is within the scope of care ordered for that surgical procedure or diagnostic
1.20 examination;

1.21 (3) the patient is unconscious and incapable of providing informed consent, and the
1.22 sensitive examination is necessary for diagnostic or treatment purposes; or

2.1 (4) a court ordered a sensitive examination to be performed for purposes of collection  
2.2 of evidence.

2.3 Subd. 3. **Penalty; ground for disciplinary action.** A person who violates this section  
2.4 is guilty of a gross misdemeanor and is subject to disciplinary action by the health-related  
2.5 licensing board regulating the person.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
2.7 committed on or after that date.