

## CHAPTER 145

## PROVISIONS RELATING TO PUBLIC HEALTH

145.01	Repealed.	145.48	Repealed.
145.03	Repealed.	145.49	Repealed.
145.031	Repealed.	145.50	Repealed.
145.04	Repealed.	145.51	Repealed.
145.05	Repealed.	145.52	Repealed.
145.06	Repealed.	145.53	Repealed.
145.07	Repealed.	145.54	Repealed.
145.075	Injunctive relief brought by commissioner.	145.55	Repealed.
145.08	Repealed.	145.63	Limitation on liability for sponsoring organizations and members of review organizations.
145.085	Repealed.	145.881	Maternal and child health advisory task force.
145.10	Repealed.	145.882	Maternal and child health block grant distribution.
145.11	Repealed.	145.911	Repealed.
145.12	Repealed.	145.912	Definitions.
145.123	Repealed.	145.913	Repealed.
145.125	Repealed.	145.914	Repealed.
145.1621	Disposition of aborted or miscarried fetuses.	145.915	Repealed.
145.17	Repealed.	145.916	Repealed.
145.18	Repealed.	145.917	Repealed.
145.19	Repealed.	145.918	Repealed.
145.20	Repealed.	145.919	Repealed.
145.21	Repealed.	145.92	Repealed.
145.22	Repealed.	145.922	Repealed.
145.23	Repealed.	145.923	Grants to prevent tobacco use.
145.24	Violations; penalties.		
145.43	Hearing aids; restrictions on sales.		
145.47	Repealed.		

**145.01** [Repealed, 1987 c 309 s 27]

**145.03** [Repealed, 1987 c 309 s 27]

**145.031** [Repealed, 1987 c 309 s 27]

**145.04** [Repealed, 1987 c 309 s 27]

**145.05** [Repealed, 1987 c 309 s 27]

**145.06** [Repealed, 1987 c 309 s 27]

**145.07** [Repealed, 1987 c 309 s 27]

**145.075 INJUNCTIVE RELIEF BROUGHT BY COMMISSIONER.**

In addition to any other remedy provided by law, the commissioner may in the commissioner's own name bring an action in the court of appropriate jurisdiction to enjoin any violation of a statute or rule which the commissioner is empowered to enforce or adopt, or to enjoin as a public health nuisance any activity or failure to act that adversely affects the public health.

**History:** 1987 c 309 s 18

**145.08** [Repealed, 1987 c 309 s 27]

**145.085** [Repealed, 1987 c 309 s 27]

**145.10** [Repealed, 1987 c 309 s 27]

**145.11** [Repealed, 1987 c 309 s 27]

**145.12** [Repealed, 1987 c 309 s 27]

**145.123** [Repealed, 1987 c 309 s 27]

**145.125** [Repealed, 1987 c 309 s 27]

**145.1621 DISPOSITION OF ABORTED OR MISCARRIED FETUSES.**

**Subdivision 1. Purpose.** The purpose of this section is to protect the public health and welfare by providing for the dignified and sanitary disposition of the remains of aborted or miscarried human fetuses in a uniform manner and to declare violations of this section to be a public nuisance.

**Subd. 2. Definition; remains of a human fetus.** For the purposes of this section, the term "remains of a human fetus" means the remains of the dead offspring of a human being that has reached a stage of development so that there are cartilaginous structures, fetal or skeletal parts after an abortion or miscarriage, whether or not the remains have been obtained by induced, spontaneous, or accidental means.

**Subd. 3. Regulation of disposal.** Remains of a human fetus resulting from an abortion or miscarriage, induced or occurring accidentally or spontaneously at a hospital, clinic, or medical facility must be deposited or disposed of in this state only at the place and in the manner provided by this section or, if not possible, as directed by the commissioner of health.

**Subd. 4. Disposition; tests.** Hospitals, clinics, and medical facilities in which abortions are induced or occur spontaneously or accidentally and laboratories to which the remains of human fetuses are delivered must provide for the disposal of the remains by cremation, interment by burial, or in a manner directed by the commissioner of health. The hospital, clinic, medical facility, or laboratory may complete laboratory tests necessary for the health of the woman or her future offspring or for purposes of a criminal investigation or determination of parentage prior to disposing of the remains.

**Subd. 5. Violation; penalty.** Failure to comply with this section constitutes a public nuisance. A person, firm, or corporation failing to comply with this section is guilty of a misdemeanor.

**Subd. 6. Exclusions.** To comply with this section, a religious service or ceremony is not required as part of the disposition of the remains of a human fetus, and no discussion of the method of disposition is required with the woman obtaining an induced abortion.

**History:** 1987 c 238 s 1

**145.17** [Repealed, 1987 c 309 s 27]

**145.18** [Repealed, 1987 c 309 s 27]

**145.19** [Repealed, 1987 c 309 s 27]

**145.20** [Repealed, 1987 c 309 s 27]

**145.21** [Repealed, 1987 c 309 s 27]

**145.22** [Repealed, 1987 c 309 s 27]

**145.23** [Repealed, 1987 c 309 s 27]

#### **145.24 VIOLATIONS; PENALTIES.**

Subdivision 1. [Repealed, 1987 c 309 s 27]

Subd. 2. [Repealed, 1987 c 309 s 27]

*[For text of subd 3, see M.S.1986]*

#### **145.43 HEARING AIDS; RESTRICTIONS ON SALES.**

*[For text of subds 1 and 1a, see M.S.1986]*

**Subd. 4. Itemized repair bill.** (a) Any person or company who agrees to repair a hearing aid must provide the customer with a billing that specifically itemizes all parts and labor charges for services rendered. The bill must also include the person's or company's name, address, and phone number.

(b) This subdivision does not apply to:

(1) a person or company that repairs a hearing aid pursuant to an express warranty covering the hearing aid and the warranty covers the entire costs, both parts and labor, of the repair; and

(2) a person or company that repairs a hearing aid and the repair is expressly warranted for a period of at least one year, the warranty covers the entire costs, both parts and labor, of the repair, and a copy of the express warranty is given to the customer.

**History:** 1987 c 204 s 1

- 145.47 [Repealed, 1987 c 309 s 27]
- 145.48 [Repealed, 1987 c 309 s 27]
- 145.49 [Repealed, 1987 c 309 s 27]
- 145.50 [Repealed, 1987 c 309 s 27]
- 145.51 [Repealed, 1987 c 309 s 27]
- 145.52 [Repealed, 1987 c 309 s 27]
- 145.53 [Repealed, 1987 c 309 s 27]
- 145.54 [Repealed, 1987 c 309 s 27]
- 145.55 [Repealed, 1987 c 309 s 27]

### **145.63 LIMITATION ON LIABILITY FOR SPONSORING ORGANIZATIONS AND MEMBERS OF REVIEW ORGANIZATIONS.**

**Subdivision 1. Members.** No person who is a member or employee of, who acts in an advisory capacity to or who furnishes counsel or services to, a review organization shall be liable for damages or other relief in any action brought by a person or persons whose activities have been or are being scrutinized or reviewed by a review organization, by reason of the performance by the person of any duty, function, or activity of such review organization, unless the performance of such duty, function or activity was motivated by malice toward the person affected thereby. No person shall be liable for damages or other relief in any action by reason of the performance of the person of any duty, function, or activity as a member of a review committee or by reason of any recommendation or action of the review committee when the person acts in the reasonable belief that the action or recommendation is warranted by facts known to the person or the review organization after reasonable efforts to ascertain the facts upon which the review organization's action or recommendation is made, except that any corporation designated as a review organization under the Code of Federal Regulations, title 42, section 466 (1983) shall be subject to actions for damages or other relief by reason of any failure of a person, whose care or treatment is required to be scrutinized or reviewed by the review organization, to receive medical care or treatment as a result of a determination by the review organization that medical care was unnecessary or inappropriate.

**Subd. 2. Organizations.** No state or local association of professionals or organization of professionals from a particular area shall be liable for damages or other relief in any action brought by a person whose activities have been or are being scrutinized or reviewed by a review organization established by the association or organization, unless the association or organization was motivated by malice towards the person affected by the review or scrutiny.

*History: 1987 c 152 art 2 s 1*

### **145.881 MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE.**

**Subdivision 1. Composition of task force.** The commissioner shall establish and appoint a maternal and child health advisory task force consisting of 15 members who will provide equal representation from:

- (1) professionals with expertise in maternal and child health services;
- (2) representatives of local health boards as defined in section 145.913; and
- (3) consumer representatives interested in the health of mothers and children.

No members shall be employees of the state department of health. Task force members shall be appointed and removed as provided in section 15.059, subdivisions 2 and 4. The maternal and child health advisory task force shall terminate on the date provided by section 15.059, subdivision 5, and members shall receive compensation as provided in section 15.059, subdivision 6.

*[For text of subd 2, see M.S.1986]*

*History: 1987 c 209 s 32*

**145.882 MATERNAL AND CHILD HEALTH BLOCK GRANT DISTRIBUTION.***[For text of subds 1 to 3, see M.S.1986]*

Subd. 4. **Distribution formula.** The amount available for each community health services area is determined according to the following formula:

(a) Each community health services area is allocated an amount based on the following three variables:

(1) the proportion of resident mothers within the city, county, or counties who are under 20 years of age or over 35 years of age, as determined by averaging the data available for the three most current years;

(2) the proportion of resident infants within the city, county, or counties whose weight at birth is less than 2,500 grams, as determined by averaging the data available for the three most current years; and

(3) the proportion of resident children within the city, county, or counties under the age of 19 who are on general assistance or medical assistance and the proportion of resident women within the city, county, or counties aged 19 to 49 who are on general assistance or medical assistance, as determined by using the data available for the most current year.

(b) Each variable is expressed as a city or county score consisting of the city or county frequency of each variable divided by the statewide frequency of the variable.

(c) A total score for each city or county jurisdiction is computed by totaling the scores of the three factors and dividing the total by three. The resulting amount is added to the total score for the most recent two-year grant period and the sum is divided by two.

(d) Each community health services area is allocated an amount equal to the total score obtained above for the city, county, or counties in its area multiplied by the amount of money available for special projects of local significance.

*[For text of subds 5 to 8, see M.S.1986]*

**History:** 1987 c 209 s 33

**145.911** [Repealed, 1987 c 309 s 27]

**145.912 DEFINITIONS.**

Subdivision 1. [Repealed, 1987 c 309 s 27]

Subd. 2. [Repealed, 1987 c 309 s 27]

Subd. 3. [Repealed, 1987 c 309 s 27]

Subd. 4. [Repealed, 1987 c 309 s 27]

Subd. 5. [Repealed, 1987 c 309 s 27]

Subd. 6. [Repealed, 1987 c 309 s 27]

Subd. 7. [Repealed, 1987 c 309 s 27]

Subd. 8. [Repealed, 1987 c 309 s 27]

*[For text of subd 9, see M.S.1986]*

Subd. 10. [Repealed, 1987 c 309 s 27]

Subd. 11. [Repealed, 1987 c 309 s 27]

Subd. 12. [Repealed, 1987 c 309 s 27]

Subd. 13. [Repealed, 1987 c 309 s 27]

Subd. 14. [Repealed, 1987 c 309 s 27]

Subd. 15. [Repealed, 1987 c 309 s 27]

Subd. 19. [Repealed, 1987 c 309 s 27]

Subd. 20. [Repealed, 1987 c 309 s 27]

- 145.913** [Repealed, 1987 c 309 s 27]
- 145.914** [Repealed, 1987 c 309 s 27]
- 145.915** [Repealed, 1987 c 309 s 27]
- 145.916** [Repealed, 1987 c 309 s 27]
- 145.917** [Repealed, 1987 c 309 s 27]
- 145.918** [Repealed, 1987 c 309 s 27]
- 145.919** [Repealed, 1987 c 309 s 27]
- 145.92** [Repealed, 1987 c 309 s 27]
- 145.922** [Repealed, 1987 c 309 s 27]

**145.923 GRANTS TO PREVENT TOBACCO USE.**

The commissioner of health may award special grants to community boards of health to conduct communitywide programs or to community health boards or non-profit corporations to conduct statewide programs to prevent tobacco use.

**History:** 1987 c 309 s 19