

Chapter: 31

Session: 2017 Regular Session

Topic: Prohibition on the use of state funds for abortions

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Overview

This act was vetoed by Governor Dayton on May 10, 2017.

This act prohibits funding for state-sponsored health programs that are administered by the commissioner of human services from being used to fund abortions, except to the extent necessary for continued participation in a federal program. It applies to abortion services for persons enrolled in the medical assistance (MA) program.

Under federal law, known as the Hyde Amendment, federal Medicaid reimbursement for abortions is provided in situations where the woman has a physical condition that places her in danger of death unless an abortion is performed, or if the pregnancy was a result of incest or rape. In 1980, the United States Supreme Court held that states do not need to fund abortions that are not entitled to federal Medicaid reimbursement. In 1995, the Minnesota Supreme Court struck down a state law that prohibited medical assistance from covering abortions unless medically necessary to prevent the death of the mother or the pregnancy was a result of rape or incest, on the ground that the law violated a woman's right to privacy under the Minnesota Constitution.

Section

1 Prohibition on use of funds.

Subd. 1. Use of funds. Prohibits funding for state-sponsored health programs that are administered by the commissioner of human services from being used for funding abortions except to the extent necessary for continued participation in a federal program. Defines abortion.

Subd. 2. Severability. Allows for severability of any one or more provisions of this section if any provision is found to be unconstitutional.