

Chapter: 33

Session: 2017 Regular Session

Topic: Licensure of certain facilities that perform abortions

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Overview

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

This act requires the commissioner of health to license certain facilities at which ten or more abortions per month are performed. To obtain a license, a facility must be accredited by or a member of an accrediting or membership organization, or must obtain accreditation or membership within six months of applying for licensure. The act requires the commissioner of health to inspect these facilities and lists grounds for the commissioner to refuse to grant, refuse to renew, suspend, or revoke a license. It also appropriates money from the state government special revenue fund to the commissioner for licensing activities.

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1 **Licensure of abortion facilities.** Adds § 145.4161. Requires a facility at which ten or more abortions per month are performed to be licensed by the commissioner of health under this section.

Subd. 1. Definitions. Defines terms for this section:

- Abortion facility means a facility at which the pregnancies of ten or more women are willfully terminated or aborted each month. Facilities licensed as hospitals or outpatient surgical centers are not abortion facilities.
- Accrediting or membership organization means a national organization with evidence-based clinical standards for abortion care and that accredits or accepts as members abortion facilities, after an application and inspection process.
- Commissioner means the commissioner of health.

Subd. 2. License required. Effective July 1, 2018, requires abortion facilities to be licensed by the commissioner in order to operate. Prohibits abortion facility licenses

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from being transferred or assigned, and requires a separate license for each facility premises. To be eligible for licensure, requires an abortion facility to be accredited or a member of an accrediting or membership organization, or to obtain accreditation or membership within six months of applying for licensure. Requires a facility that loses accreditation or membership to immediately notify the commissioner. Allows listed individuals to seek an injunction against the operation of an unlicensed facility.

Subd. 3. Temporary license. For new facilities beginning to operate after July 1, 2018, allows the commissioner to issue a temporary license that is valid for six months. Specifies information a facility must submit to the commissioner in a temporary license application. When a facility is accredited or has its membership verified, requires the facility to submit that information to the commissioner, after which the commissioner must issue a new license.

Subd. 4. Application. Specifies information a facility must submit to the commissioner to apply for licensure.

Subd. 5. Inspections. Requires the commissioner to inspect an abortion facility before initial licensure and at least once every two years thereafter. Requires a facility to be open at reasonable times for an inspection, and provides that no notice is required before an inspection.

Subd. 6. Suspension, revocation, and refusal to renew. Authorizes the commissioner to refuse to grant or renew, to suspend, or to revoke an abortion facility license on the following grounds:

- permitting, aiding, or abetting the commission of an illegal act;
- conduct or practices detrimental to the welfare of the patient;
- obtaining or attempting to obtain a license by fraud or misrepresentation; or
- the loss of accreditation or membership in an accrediting or membership organization.

States that an applicant or licensee is entitled to notice and a hearing before the commissioner acts under this subdivision, and allows a new license to be issued after the facility has been inspected.

Subd. 7. Fees. Establishes a biennial license fee and a temporary license fee, and requires fees to be collected according to section 144.122, which governs fees for health care facilities and medical laboratories.

Subd. 8. Renewal. Makes licenses expire two years after the date of issuance. Makes temporary licenses expire six months from the date of issuance, and allows them to be renewed for one six-month period.

Subd. 9. Records. Makes health records at an abortion facility subject to existing laws governing patient access to health records and release of health records.

Subd. 10. Severability. Allows for severability of any provision of this section if a provision is found to be unconstitutional.

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Appropriation. Appropriates \$55,000 in fiscal year 2018 and \$8,000 in fiscal year 2019 from the state government special revenue fund to the commissioner of health to license certain facilities that perform abortions. Also sets base appropriations for fiscal years 2020 and 2021.