

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Brod and others

**Subject:** Parental Notification Data Reporting and Other Abortion Related Provisions

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### Overview

This bill: requires data collection and reporting on the existing parental notification requirement for minors and certain women seeking to have abortions; adds requirements for physicians performing or inducing abortions; and prohibits the use of state funds for abortions except when necessary to participate in a federal program.

#### Section

- 1**     **Abortion notification data.** Amends § 13.3806 by adding subd. 21. States that abortion notification data is governed under section 144.3431.
- 2**     **Abortion notification data.** Adds § 144.3431.

**Subd. 1. Reporting form.** Requires the commissioner of health to prepare a reporting form, within 90 days of the effective date of the bill, to be used by physicians and facilities performing abortions to collect the following information:

(1) the total number of minors or women with an appointed guardian (under section 524.5-301 to 524.5-317 because of a finding of incompetency) that the physician/facility provided parental notice for, the number of notices delivered personally, the number of notices delivered by certified mail, and the number of those females who went on to obtain an abortion from the reporting physician/facility;

(2) the number of minors or women with an appointed guardian (under section 524.5-301 to 524.5-317 because of a finding of incompetency) that the physician/facility did

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not provide parental notice for, and of that, the number of emancipated minors and the number where section 144.343, subdivision 4, applied (which includes: when an abortion was necessary to save the life of the female; when written authorization was made by those required to be notified; or where the female declared that she is a victim of sexual abuse, neglect, or physical abuse as defined in section 626.556);

- (3) the number of abortions performed for which judicial authorization was received;
- (4) the county of the female's residence, the county where the abortion was performed, and the judicial district where judicial bypass was obtained (if applicable);
- (5) the age of the female;
- (6) the race of the female;
- (7) the process used to inform the female of the judicial bypass, whether court forms were provided to her and whether or not the physician or physician's agent made the court arrangements; and
- (8) how soon after visiting the facility the female went to court to obtain a judicial bypass.

**Subd. 2. Forms to physicians and facilities.** Requires physicians and facilities to obtain reporting forms from the commissioner of health.

**Subd. 3. Submission.** Requires the following physicians and facilities to submit forms (for data from the previous calendar year) no later than April 1: (1) a physician/facility that provides parental notifications under section 144.343, subdivision 2; and (2) a physician that knowingly performs an abortion upon a minor or a woman with an appointed guardian (under sections 524.5-301 to 524.5-317 because of a finding of incompetency) or a facility where the abortion is performed. Provides requirements for maintaining the confidentiality of individuals and physicians/facilities.

**Subd. 4. Failure to report as required.** Subject's reports not filed more than 30 days following the due date to a late fee of \$500 for each additional 30-day period or portion of a 30-day period overdue. Requires the commissioner of health to bring an action in a court for an order against physicians/facilities failing to submit a complete report within one year of the due date that directs the physician/facility to submit the report within a specified period stated by the court order or be subject to sanctions. Allows the court to assess reasonable attorney fees and costs against the physician/facility. States that data related to actions under this section is private if the data (alone or in combination) would reasonably lead to the identification of individuals who have had an abortion or who received judicial authorization for an abortion or the identification of physicians/facilities required to report.

**Subd. 5. Public records.** Requires the commissioner of health to issue a public report by September 30 of each year, that compiles statistics from the previous calendar year from reports submitted under this section on the items listed in subdivision 1, and statistics obtained from court administrators, including:

- (1) the total number of petitions or motions filed under section 144.343, subdivision 6, paragraph (c), clause (i);

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- (2) the number of cases in which the court appointed a guardian ad litem;
- (3) the number of cases in which the court appointed counsel;
- (4) the number of cases in which the judge issued an order authorizing an abortion without notification, including the number granted on a finding of maturity and the basis for that finding and the number granted on a finding that the abortion was in the best interest of the minor and the basis for that finding;
- (5) the number of denials;
- (6) the number of appeals; and
- (7) the number of appeals resulting in a reversal of a denial.

Provides requirements for maintaining the confidentiality of individuals and physicians/facilities.

**Subd. 6. Modification of requirements.** Allows the commissioner of health to alter, by rule, the dates in subdivisions 3 and 5, and consolidate forms and reports to achieve administrative convenience and fiscal savings, as long as the report required in subdivision 5 is issued at least once a year.

**Subd. 7. Suit to compel statistical report.** Allows a group of ten or more citizens of the state to seek an injunction against the commissioner of health that requires the commissioner to issue the report required in subdivision 5 if the commissioner fails to do so. States that failure to abide by the injunction subjects the commissioner to sanctions for civil contempt.

**Subd. 8. Attorney fees.** States that if a judgment is rendered in favor of the plaintiff in any action under this section, that the court must render judgment for a reasonable attorney fee in favor of the plaintiff. States that if a judgment is rendered in favor of the defendant and the court finds that the lawsuit was frivolous and brought in bad faith, that the court must render judgment for a reasonable attorney fee in favor of the defendant.

**Subd. 9. Severability.** States that the provisions of this section are severable.

**Subd. 10. Supreme Court jurisdiction.** States that the Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and that the court must expedite the resolution.

### **3 Nonhospital-performed abortions; requirement; misdemeanor.** Adds § 145.4122.

**Subd. 1.** States that physicians performing or inducing an abortion that do not have privileges at a hospital which offers obstetrical or gynecological care within the state and within 20 miles of where the abortion is performed/induced is guilty of a misdemeanor.

**Subd. 2. Severability.** States that the provisions of this section are severable.

**Subd. 3. Supreme Court jurisdiction.** States that the Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and that the court must expedite the resolution.

**Section**

**4 Prohibition on use of state funds.**

**Subd. 1. Use of funds.** Prohibits the use of state funds for abortions, except as necessary for continued participation in a federal program.

**Subd. 2. Severability.** States that the provisions of this section are severable.

**Subd. 3. Supreme Court jurisdiction.** States that the Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and that the court must expedite the resolution.