

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Lead Agency: **Health Dept**
 Other Agencies:
 Attorney General Governors Office
 Human Services Dept Medical Practice Board
 Nursing Board Supreme Court

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | X | |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-------------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Governors Office | - | - | - | - | - | - |
| General Fund | - | - | - | - | - | - |
| State Total | | | | | | |
| General Fund | - | - | - | - | - | - |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Governors Office | - | - | - | - | - |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Shannon Zila **Date:** 2/13/2023 11:01:46 AM
Phone: 651-296-6053 **Email:** shannon.zila@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--|-----------------|---------------|---------------|-----------------|---------------|
| Dollars in Thousands | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Governors Office | | - | - | - | - | - |
| General Fund | | - | - | - | - | - |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Governors Office | | - | - | - | - | - |
| General Fund | | | | | | |
| Expenditures | | - | 1 | 1 | 1 | 1 |
| Absorbed Costs | | - | (1) | (1) | (1) | (1) |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Governors Office | | - | - | - | - | - |
| General Fund | | - | - | - | - | - |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Health Dept**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | | |
|--------------------------------------|----------|--------|--------|----------|--------|--------|
| | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Shannon Zila **Date:** 2/9/2023 12:39:43 PM
Phone: 651-296-6053 **Email:** shannon.zila@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--------|-----------------|--------|--------|-----------------|---|
| Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

This bill limits the release of health records in cases related to reproductive health and prohibits certain acts by health-related licensing boards. It also prevents the enforcement of certain judgments related to reproductive health and restricts the enforcement of subpoenas issued in cases related to reproductive health. The bill prohibits extradition of persons charged in another state for acts committed or services received in Minnesota related to reproductive health.

Assumptions

We assume “the commissioner” as used in the 1A amendment refers to the commissioner of human services per M.S. 245C.15 and does not refer to the commissioner of health. MDH does not license health professionals and does not currently have enforcement authority over the Minnesota Health Records Act; therefore, MDH assumes there would not be any new authority or implementation for provisions in this bill. The 2A amendment does not refer to any MDH statutes nor authority, therefore MDH assumes this bill and amendments will incur no fiscal impact.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Char Kimber

Phone: 651-201-4685

Date: 2/9/2023 9:07:19 AM

Email: health.fiscalnotes@state.mn.us

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Attorney General**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| | | |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | | |
|--------------------------------------|----------|--------|--------|----------|--------|--------|
| | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 2/10/2023 9:23:03 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--------|-----------------|--------|--------|-----------------|---|
| Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

Section 2 of this bill would prohibit Minnesota’s health-related licensing boards from taking adverse actions against applicants and licensees who have been disciplined or criminally convicted for providing or assisting reproductive health care services in other jurisdictions in a manner that would not be unlawful in Minnesota.

This law would prohibit Minnesota courts from enforcing or satisfying a civil judgment that results from an adjudication in another state of a civil action against a person or entity that terminates a pregnancy, seeks to terminate a pregnancy, performs an act necessary to terminate a pregnancy, knowingly engages in conduct that assists in the termination of a pregnancy, or attempts to or intends to engage in the same. It further states that certain subpoenas related to a potential civil or criminal action against a patient, health care provider, or other person for violating a law of another state that restricts or limits access to, or the provision of, the termination of a pregnancy will not be enforced in Minnesota. This law also creates a new cause of action: unless a case would be a basis for a valid claim in this state, a person against whom a judgment is entered related to provision, receipt, assistance, material support, or receipt of reproductive health care services that is permitted in Minnesota may bring an action against the person leading to that judgment. The law also prevents the extradition of, apprehension of, or arrest of certain persons, for acts committed in Minnesota related to pregnancy, contraception, or termination services.

Assumptions

The Attorney General's Office anticipates that this law would prompt a legal challenge; the Office estimates the office will expend attorney/legal assistant time to prepare for and defend any legal challenges. This is based on experience gained from defending lawsuits challenging COVID-19 executive orders.

Expenditure and/or Revenue Formula

n/a

Long-Term Fiscal Considerations

n/a

Local Fiscal Impact

n/a

References/Sources

n/a

Agency Contact: Laura Sayles (651-757-1447)

Agency Fiscal Note Coordinator Signature: Laura Capuana

Phone: 651-402-2213

Date: 2/9/2023 2:41:45 PM

Email: laura.capuana@ag.state.mn.us

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Governors Office**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | X | |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| General Fund | - | - | - | - | - | - |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 2/6/2023 2:26:06 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

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| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--|----------|--------|--------|----------|--------|
| Dollars in Thousands | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| General Fund | | - | - | - | - | - |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| General Fund | | | | | | |
| Expenditures | | - | 1 | 1 | 1 | 1 |
| Absorbed Costs | | - | (1) | (1) | (1) | (1) |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| General Fund | | | | | | |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |

Bill Description

This bill provides clarity on health records related to reproductive health care and clarification of extraditions related to that topic.

Assumptions

The Legal team will coordinate the extradition work that is required in this bill as part of its normal extradition process work. The impact to the Governor’s Office will be 10 hours of work for the Legal Team.

Expenditure and/or Revenue Formula

The Governor’s Office will absorb the costs of the appointment as outlined in this bill.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Alyssa Haugen (651-201-3416)

Agency Fiscal Note Coordinator Signature: Alyssa Haugen

Phone: 651-201-3416

Date: 2/6/2023 10:49:24 AM

Email: alyssa.haugen01@state.mn.us

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Human Services Dept**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

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| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 2/8/2023 10:07:19 PM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|-----------------------|----------|--------|--------|----------|--------|
| Dollars in Thousands | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| | Total | - | - | - | - | - |
| | Biennial Total | | | - | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| | Total | - | - | - | - | - |
| | Biennial Total | | | - | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| | Total | - | - | - | - | - |
| | Biennial Total | | | - | | - |

Bill Description

This bill includes provisions limiting the release of health records in cases related to reproductive health, prohibits certain acts by certain health-related licensing boards; prevents the enforcement of certain judgments related to reproductive health; restricts the enforcement of subpoenas issued in cases related to reproductive health; creates a cause of action for penalties and court costs for lawsuits related to reproductive health; and prohibits extradition of persons charged in another state for acts committed or services received in Minnesota related to reproductive health.

Sec. 5. amends Minnesota Statutes 2022, section 245C.15, preventing the DHS commissioner from disqualifying an individual subject to a background study for accessing or providing reproductive health care.

Assumptions

This bill modifies statute governing human services background study requirements, however the change has no fiscal impact.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Chris Zempel

Phone: 651-247-3698

Date: 2/8/2023 9:11:27 PM

Email: christopher.zempel@state.mn.us

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Medical Practice Board**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| | | |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | | |
|--------------------------------------|----------|--------|--------|----------|--------|--------|
| | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Shannon Zila **Date:** 2/6/2023 11:43:42 AM
Phone: 651-296-6053 **Email:** shannon.zila@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--------|----------|--------|--------|----------|---|
| Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

Adds a definition of reproductive health care services to the Medical Practice Act and the Physician Assistant Practice Act. Modifies the grounds for disciplinary action for physicians and physician assistants; modifies the authority to grant licenses to physicians and physician assistants.

Assumptions

Addition of the definition of reproductive health care services to the Medical Practice Act and the Physician Assistant Practice Act does not fiscally impact the Board of Medical Practice.

Modifications to the grounds for disciplinary action for physicians and physician assistants does not change the Board's authority or processes for investigating complaints and imposing discipline. Therefore, there is no fiscal impact to the Board's complaint investigation or disciplinary processes.

Modifications for the authority to grant licenses for physicians and physician assistants does not change the Board's processes for reviewing applications for licensure. Therefore, there is no fiscal impact to the Board's license application processes.

Expenditure and/or Revenue Formula

There is no fiscal impact to the Board of Medical Practice.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Ruth Martinez (612-548-2150)

Agency Fiscal Note Coordinator Signature: Ruth Martinez

Phone: 612-548-2150

Date: 2/6/2023 10:41:59 AM

Email: ruth.martinez@state.mn.us

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Nursing Board**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | | |
|--------------------------------------|----------|--------|--------|----------|--------|--------|
| | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Shannon Zila **Date:** 2/6/2023 11:43:54 AM
Phone: 651-296-6053 **Email:** shannon.zila@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--------|----------|--------|--------|----------|---|
| Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

This bill adds a definition for reproductive services to the Nurse Practice Act; prohibits the Board from denying licensure and modifies NPA grounds for disciplinary action. The bill also protects from extradition a nurse or provider to another jurisdiction for violation of reproductive health care laws for practice allowed in Minnesota.

Assumptions

The proposed changes in the NPA language does not change the Board's ability to carry out licensure, investigation, and regulatory responsibilities as authorized. The proposed language regarding extradition does not apply to the NPA. Therefore, there is no fiscal impact to the Board of Nursing.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Kimberly Miller (612-317-3025)

Agency Fiscal Note Coordinator Signature: Kimberly Miller

Phone: 612-317-3025

Date: 2/6/2023 10:49:03 AM

Email: kimberly.miller@state.mn.us

HF366 - 2A - Health Records: Reproductive Health Care Services

Chief Author: **Esther Agbaje**
 Committee: **Health Finance And Policy**
 Date Completed: **2/13/2023 11:01:46 AM**
 Agency: **Supreme Court**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | | |
|--------------------------------------|----------|--------|--------|----------|--------|--------|
| | | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 |
| Total | - | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/6/2023 4:22:12 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--------|-----------------|--------|--------|-----------------|---|
| Dollars in Thousands | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

HF366-2A creates limitations on the release of health records in cases related to reproductive health; prohibits certain acts by health-related licensing boards; prevents the enforcement of certain judgments related to reproductive health; restricts subpoena enforcement in cases related to reproductive health; creates a cause of action for penalties and court costs; and prohibits extradition to another state for acts committed or services received in Minnesota.

Assumptions

This bill provides clarity that a law in another state that authorizes a person to bring a civil action against a person or entity that terminates or seeks to terminate a pregnancy, performs an act to terminate a pregnancy, knowingly engages in conduct that assists in the termination of a pregnancy, or attempts or intends to engage in such conduct referenced above, is contrary to public policy in Minnesota. This bill provides authority for the court to not recognize another state's law regarding these restrictions as a viable cause of action in Minnesota and the authority for the court to not enforce or satisfy a civil judgment received through an adjudication of such a law.

It is assumed that a person or entity from another state may file a civil action against a person or entity to investigate or enforce the other state's law related to reproductive health and may attempt to register that state's civil judgment for enforcement or satisfaction in Minnesota. A foreign judgment is any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state. Minn. Stat. § 548.26 (2022). It is assumed this bill authorizes the courts to not provide full faith and credit to foreign judgments that relate to reproductive health as defined in this bill.

The registration of foreign judgments for enforcement is an administrative task performed by court administration. Minn. R. Civ. P. 5.04 provides authority to court administration to reject filings in limited situations. Court administration must accept a filing from another state unless the filing is clear on its face that one of the reasons for rejection applies. It is assumed that a legal determination will be required to determine if a filing is one that is for the enforcement or satisfaction of a judgment received through an adjudication that is contrary to Minnesota public policy. It is assumed this bill may interfere with the administrative process for registering foreign judgments as court administration is prohibited from making legal determinations. It is assumed that a judicial officer will be required to review and provide a legal determination if a foreign judgment is one not entitled to full faith and credit. It is assumed this bill may require changes in court processing procedures and increase judge time if such foreign judgments are registered for enforcement in Minnesota. It is unknown if this bill will increase the number of foreign judgments being filed for enforcement.

This bill provides clarity that a law in another state authorizing a civil or criminal subpoena to obtain a patient's health records relating to reproductive health care services of that patient does not constitute a specific authorization for the release or disclosure of health records pursuant to Minn. Stat. § 144.293. This bill clarifies a subpoena issued in Minnesota for an action pending in another state or issued in another state for an action pending in that state for the attendance of a witness or the production of records shall not be enforced in Minnesota if the subpoena relates to a potential civil or criminal action against a patient, health care provider, or other person for violating a law of the other state

that restricts or limits access to, or the provisions of, the termination of a pregnancy. Court administration shall issue subpoenas, signed but otherwise in blank, to a party requesting it. Minn. R. Civ. P. 45.01(c). Minn. R. Civ. P. 45.03(c) provides for a motion to quash or modify a subpoena to be filed with the court. A motion to quash a subpoena requires judicial review and determination. It is assumed this bill may impact the number of motions filed to quash subpoenas related to reproductive health as defined in this bill and may impact judge time. It is further assumed this bill provides the authority for the court to quash a subpoena relating to reproductive health under this bill. A court rule amendment may be required as the current rule is silent on the authority to quash a subpoena related to reproductive health as defined in this bill.

Expenditure and/or Revenue Formula

It is assumed this bill may impact the court and court administration processes as a result of this legislation. It is unknown if this bill will increase filings. The impact to the court and court administration processes, if any, will be minimal.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

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