

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Abortion Notification Reports; Judicial Bypass

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### Overview

The bill requires physicians and facilities to file reports with the Minnesota Department of Health (MDH) related to minor and incompetent women who seek abortions and to whom the parental notification/judicial bypass law applies. (Under current law an unemancipated minor/incompetent woman who does not want to involve her parents/guardian in a decision to have an abortion may seek court permission to have an abortion without notifying her parents/guardian). The physician and facility reports will be used to compile statistics to be published annually. The statistical report will include specified information from court administrators on judicial bypass cases.

The bill provides a late fee for failure by physicians and facilities to make timely reports and contains enforcement provisions for failure to file. It allows an enforcement action against MDH for failure to issue an annual publication.

#### Section

- 1 Data Practices Act.** Amends the Data Practices Act to cross-reference the new reporting requirement so it can be found by those using the Data Practices Act.
- 2 Abortion notification data.**

**Subd. 1. Reporting form.** Requires the Minnesota department of health (MDH) to prepare a reporting form for use by physicians and facilities that perform abortions.

## Section

Specifies that the form must cover:

The number of minors or women for whom a guardian was appointed and for whom the physician provided the parent/guardian notification required in current law; of that number, how many notices were provided in person and how many by mail; and how many women who were the subjects of these notifications obtained an abortion from the reporting physician or facility;

The number of minors or women for whom a guardian was appointed and for whom the physician performed an abortion without providing the parent/guardian notification required in current law; how many of those women were emancipated minors; and how many of the cases involved each of the following: (1) the abortion was required to prevent death and there was insufficient time to provide the notification, (2) the abortion was authorized in writing by the person entitled to notification, or (3) the pregnant minor was the victim of sexual or physical abuse or neglect, which had been reported to the authorities.

The number of abortions performed for which judicial authorization was received and parent/guardian notification was not provided;

The county of residence where the woman resides, where the abortion was performed, and where judicial bypass was obtained;

The age and race of the woman;

The process used to inform the woman of the judicial bypass, whether court forms were provided to her, and whether the physician or physician's agent made court arrangements for the woman; and

How soon after visiting the abortion facility the woman went to court.

**Subd. 2. Forms to physicians and facilities.** Requires physicians and facilities to obtain these forms from MDH.

**Subd. 3. Submission.** Requires reports to be made by April 1 each year for the previous calendar year. Requires MDH to maintain as confidential data information that would identify a woman who had an abortion or received judicial authorization for an abortion, an individual who received a parent/guardian notification, or a reporting physician or facility.

**Subd. 4. Failure to report as required.** Reports that are more than 30 days late are subject to a \$500 late fee for each additional 30-day period or portion of a 30-day period. If a report is not filed more than one year after it is due, MDH must seek a court order directing the physician or facility to report. Allows the court to assess attorney fees and costs against a noncomplying party.

## **Section**

Makes private: data related to enforcement actions that would identify a woman who had an abortion or received judicial authorization for an abortion, an individual who received a parent/guardian notification, or a reporting physician or facility.

**Subd. 5. Public records.** Requires MDH to issue a public report each September 30 containing statistics for the prior calendar year derived from the form specified in subdivision 2.

The report must also include statistics obtained from court administrators on the following: total number of judicial bypass petitions, number of cases in which a guardian ad litem was appointed, number of cases where counsel was appointed, number of cases granted by the court because of a finding of maturity and basis for the finding, number of petitions granted on the basis that the abortion would be in the minor's best interests and basis for that finding, number of denials from which an appeal was filed, number of appeals in which a denial was affirmed, number of appeals in which a denial was reversed.

The report must accumulate information included in prior years' reports. The report must be presented in a way that that would not identify a woman who had an abortion or received judicial authorization for an abortion, an individual who received a parent/guardian notification, or a reporting physician or facility.

**Subd. 6. Modification of requirements.** Allows MDH to modify the reporting dates and consolidate forms or reports for administrative convenience or fiscal savings, as long as a report is issued at least annually.

**Subd. 7. Suit to compel statistical report.** Allows a group of ten or more citizens to seek an injunction to require MDH to issue the public report if MDH fails to do so.

**Subd. 8. Attorney fees.** Requires the court to award attorney fees to a prevailing plaintiff. If the defendant wins and the court finds the plaintiff's suit was frivolous and in bad faith, requires the court to award attorney fees to the defendant.

**Subd. 9. Severability.** States that if any part of the section is found unconstitutional, any valid provisions are intended to remain in effect.