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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **616**

February 9, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to health; establishing a right to reproductive privacy; proposing coding
1.3 for new law as Minnesota Statutes, chapter 145D.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [145D.01] SHORT TITLE.

1.6 This chapter shall be known and may be cited as the "Reproductive Privacy Act."

1.7 Sec. 2. [145D.03] FINDINGS.

1.8 The legislature finds that every individual possesses a fundamental right of privacy
1.9 with respect to personal reproductive decisions. The legislature further finds that:

1.10 (1) every individual has the fundamental right to choose or refuse birth control;

1.11 (2) every woman has the fundamental right to choose to bear a child or to choose and
1.12 obtain an abortion before fetal viability or to terminate the pregnancy after fetal viability
1.13 when necessary to protect the life or health of the woman; and

1.14 (3) the state shall not deny or interfere with a woman's fundamental right to choose
1.15 to bear a child or to choose to obtain an abortion.

1.16 Sec. 3. [145D.05] DEFINITIONS.

1.17 Subdivision 1. **Applicability.** The definitions in this section shall apply to this
1.18 chapter.

1.19 Subd. 2. **Abortion.** "Abortion" means any medical treatment intended to induce the
1.20 termination of a pregnancy except for the purpose of producing a live birth.

1.21 Subd. 3. **Pregnancy.** "Pregnancy" means the human reproductive process,
1.22 beginning with the implantation of an embryo.

Subd. 4. **State.** "State" means the state of Minnesota, and every county, statutory or home rule charter city, or town in this state.

Subd. 5. **Viability.** "Viability" means the point in a pregnancy when, in the good-faith medical judgment of a physician, on the particular facts of the case before the physician, there is a reasonable likelihood that the fetus will survive outside the uterus without the application of extraordinary medical measures.

Sec. 4. **[145D.07] INTERFERENCE WITH REPRODUCTIVE PRIVACY PROHIBITED.**

Subdivision 1. **Prohibition of interference.** The state may not:

- (1) deny or interfere with a woman's right to choose:
 - (i) to bear a child;
 - (ii) to terminate a pregnancy before viability; or
 - (iii) to terminate a pregnancy after viability when termination is necessary to protect the life or health of the woman; or
- (2) discriminate against the exercise of rights set forth in clause (1) in the regulation or provision of benefits, facilities, services, or information.

Subd. 2. **Civil action.** An individual aggrieved by a violation of this section may obtain appropriate relief in a civil action. The state waives immunity from suit for these claims.

Sec. 5. **[145D.09] SEVERABILITY.**

If any provision of this act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this act, or the application of the provision to persons or circumstances other than those to which the provision is held to be unconstitutional, shall not be affected thereby.

Sec. 6. **[145D.11] RULE OF CONSTRUCTION.**

This chapter applies to every state and local statute, ordinance, regulation, administrative order, decision, policy, practice, or other action enacted, adopted, or implemented before, on, or after the effective date of this act.