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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **1196**

March 2, 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; prohibiting sex selection abortions; providing criminal and  
1.3 civil penalties ; reporting requirement established; proposing coding for new  
1.4 law in Minnesota Statutes, chapter 145.

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

1.6 Section 1. [145.417] SEX SELECTION ABORTION.

1.7 Subdivision 1. **Prohibition on sex selection abortion.** (a) No person may  
1.8 intentionally perform an abortion with knowledge that the pregnant woman is seeking  
1.9 the abortion based solely on the sex of the unborn child.

1.10 (b) Paragraph (a) shall not be construed to proscribe the performance of an abortion  
1.11 on the basis of the sex of the unborn child because of a genetic disorder linked to that sex.

1.12 (c) If paragraph (a) is held invalid as applied to the period of pregnancy prior to  
1.13 viability, then it is applicable to the period of pregnancy following viability.

1.14 Subd. 2. **Criminal penalties.** Any person who intentionally, knowingly, or  
1.15 recklessly violates the provisions of this section, commits a felony. Violators of this  
1.16 section shall be fined or imprisoned for not more than two years, or both.

1.17 Subd. 3. **Civil remedies.** The maternal grandparents of the unborn child, if the  
1.18 mother has not attained the age of 18 years at the time of the abortion, or the father of the  
1.19 unborn child may maintain an action against the person who performed the abortion in  
1.20 violation of this statute. The court may award reasonable attorney fees as part of the costs  
1.21 in an action under this subdivision. Appropriate relief includes monetary damages for all  
1.22 injuries, whether psychological, physical, or financial, including loss of companionship  
1.23 and support, caused by the violation.

2.1            Subd. 4. **Reporting requirements.** A physician, physician's assistant, nurse,  
2.2 counselor, or other medical or mental health professional shall report known or suspected  
2.3 violations of this section to appropriate law enforcement authorities. A person who  
2.4 violates this requirement shall be fined under this section or imprisoned for not more than  
2.5 one year, or both.

2.6            Subd. 5. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original  
2.7 jurisdiction over an action challenging the constitutionality of this section and shall  
2.8 expedite the resolution of the action.

2.9            Subd. 6. **Severability.** If any one or more provision, subdivision, sentence, clause,  
2.10 phrase, or word of this section or the application thereof to any person or circumstance is  
2.11 found to be unconstitutional, the same is hereby declared to be severable and the remainder  
2.12 of this section is effective notwithstanding such unconstitutionality. The legislature hereby  
2.13 declares that it would have passed this section, and each provision, subdivision, sentence,  
2.14 clause, phrase, or word thereof, regardless of the fact that any provision, subdivision,  
2.15 sentence, clause, phrase, or word is declared unconstitutional.