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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4120

03/04/2020 Authored by Mann and Gomez
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health care; modifying the parental notification for an abortion; amending
1.3 Minnesota Statutes 2018, section 144.343, subdivisions 3, 6.

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

1.5 Section 1. Minnesota Statutes 2018, section 144.343, subdivision 3, is amended to read:

1.6 Subd. 3. Parent, abortion; definitions. (a) For purposes of this section, "parent" means
1.7 both parents of the pregnant woman if they are both living, one parent of the pregnant
1.8 woman if only one is living or if the second one cannot be located through reasonably
1.9 diligent effort, or the guardian or conservator if the pregnant woman has one.

1.10 (b) For purposes of this section, "abortion" means the use of any means to terminate the
1.11 pregnancy of a woman known to be pregnant with knowledge that the termination with
1.12 those means will, with reasonable likelihood, cause the death of the fetus and "fetus" means
1.13 any individual human organism from fertilization until birth.

1.14 Sec. 2. Minnesota Statutes 2018, section 144.343, subdivision 6, is amended to read:

1.15 Subd. 6. Substitute notification provisions. If subdivision 2 of this law is ever
1.16 temporarily or permanently restrained or enjoined by judicial order, subdivision 2 shall be
1.17 enforced as though the following paragraph were incorporated as paragraph (c) of that
1.18 subdivision; provided, however, that if such temporary or permanent restraining order or
1.19 injunction is ever stayed or dissolved, or otherwise ceases to have effect, subdivision 2 shall
1.20 have full force and effect, without being modified by the addition of the following substitute
1.21 paragraph which shall have no force or effect until or unless an injunction or restraining
1.22 order is again in effect.

2.1 (c)(1) If such a pregnant woman elects not to allow the notification of ~~one or both of~~  
2.2 ~~her parents~~ a parent or guardian or conservator, any judge of a court of competent jurisdiction  
2.3 shall, upon petition, or motion, and after an appropriate hearing, authorize a physician to  
2.4 perform the abortion if said judge determines that the pregnant woman is mature and capable  
2.5 of giving informed consent to the proposed abortion. If said judge determines that the  
2.6 pregnant woman is not mature, or if the pregnant woman does not claim to be mature, the  
2.7 judge shall determine whether the performance of an abortion upon her without notification  
2.8 of ~~her parents~~ a parent, guardian, or conservator would be in her best interests and shall  
2.9 authorize a physician to perform the abortion without such notification if said judge concludes  
2.10 that the pregnant woman's best interests would be served thereby.

2.11 (2) Such a pregnant woman may participate in proceedings in the court on her own  
2.12 behalf, and the court may appoint a guardian ad litem for her. The court shall, however,  
2.13 advise her that she has a right to court appointed counsel, and shall, upon her request, provide  
2.14 her with such counsel.

2.15 (3) Proceedings in the court under this section shall be confidential and shall be given  
2.16 such precedence over other pending matters so that the court may reach a decision promptly  
2.17 and without delay so as to serve the best interests of the pregnant woman. A judge of the  
2.18 court who conducts proceedings under this section shall make in writing specific factual  
2.19 findings and legal conclusions supporting the decision and shall order a record of the evidence  
2.20 to be maintained including the judge's own findings and conclusions.

2.21 (4) An expedited confidential appeal shall be available to any such pregnant woman for  
2.22 whom the court denies an order authorizing an abortion without notification. An order  
2.23 authorizing an abortion without notification shall not be subject to appeal. No filing fees  
2.24 shall be required of any such pregnant woman at either the trial or the appellate level. Access  
2.25 to the trial court for the purposes of such a petition or motion, and access to the appellate  
2.26 courts for purposes of making an appeal from denial of the same, shall be afforded such a  
2.27 pregnant woman 24 hours a day, seven days a week.