

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3873

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DATE
02/19/2024

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; requiring informed consent for sensitive examinations of an
1.3 anesthetized or unconscious patient; establishing a penalty; proposing coding for
1.4 new law in Minnesota Statutes, chapter 145.

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

1.6 Section 1. [145.076] INFORMED CONSENT REQUIRED FOR SENSITIVE
1.7 EXAMINATIONS.

1.8 Subdivision 1. Definition. For the purposes of this section, "sensitive examination"
1.9 means a pelvic, breast, urogenital, or rectal examination.

1.10 Subd. 2. Informed consent required; exceptions. A health professional, or a student
1.11 or resident participating in a course of instruction, clinical training, or a residency program
1.12 for a health profession, shall not perform a sensitive examination on an anesthetized or
1.13 unconscious patient unless:

1.14 (1) the patient or the patient's legally authorized representative provided prior, written,
1.15 informed consent to the sensitive examination, and the sensitive examination is necessary
1.16 for preventive, diagnostic, or treatment purposes;

1.17 (2) the patient or the patient's legally authorized representative provided prior, written,
1.18 informed consent to a surgical procedure or diagnostic examination, and the sensitive
1.19 examination is within the scope of care required for that surgical procedure or diagnostic
1.20 examination;

1.21 (3) the patient is unconscious and incapable of providing informed consent, and the
1.22 sensitive examination is necessary for diagnostic or treatment purposes; or

2.1 (4) a court ordered a sensitive examination to be performed for the purpose of collecting
2.2 evidence.

2.3 Subd. 3. **Penalty; ground for disciplinary action.** A person who violates this section
2.4 is guilty of a gross misdemeanor and is subject to disciplinary action by the health-related
2.5 licensing board regulating the person.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
2.7 committed on or after that date.