

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 864

(SENATE AUTHORS: HOFFMAN)

DATE
02/11/2021

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health care; permitting a patient who reaches the age of majority to
1.3 request that their records be deleted if at least seven years has passed since the last
1.4 entry; amending Minnesota Statutes 2020, section 145.32, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2020, section 145.32, subdivision 1, is amended to read:

1.7 Subdivision 1. **Hospital records.** The superintendent or other chief administrative officer
1.8 of any public or private hospital, by and with the consent and approval of the board of
1.9 directors or other governing body of the hospital, may divest the files and records of that
1.10 hospital of any individual case records and, with that consent and approval, may destroy
1.11 the records. The records shall first have been transferred and recorded as authorized in
1.12 section 145.30.

1.13 Portions of individual hospital medical records that comprise an individual permanent
1.14 medical record, as defined by the commissioner of health, shall be retained as authorized
1.15 in section 145.30. Other portions of the individual medical record, including any
1.16 miscellaneous documents, papers, and correspondence in connection with them, may be
1.17 divested and destroyed after seven years without transfer to photographic film, electronic
1.18 image, or other state-of-the-art electronic preservation technology.

1.19 All portions of individual hospital medical records of minors shall be maintained for
1.20 seven years ~~following the age of majority~~ or until the patient reaches the age of majority,
1.21 whichever occurs last, at which time the patient may request that their hospital records be
1.22 deleted.

2.1 Nothing in this section shall be construed to prohibit the retention of hospital medical
2.2 records beyond the periods described in this section. Nor shall anything in this section be
2.3 construed to prohibit patient access to hospital medical records as provided in sections
2.4 144.291 to 144.298.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.