

S.F. No. 1636 – Licensure for Abortion Facilities

Author: Senator Michelle R. Benson

Prepared by: Katie Cavanor, Senate Counsel (651/296-3801)

Date: March 12, 2021

Section 1 (145.4161) establishes licensure for abortion facilities.

Subdivision 1 defines the following terms: abortion facility; accrediting or membership organization; and commissioner.

Subd. 2, paragraph (a) requires abortion facilities to be licensed by the commissioner of health by July 1, 2022.

- **Paragraph (b)** specifies that the license is not transferrable or assignable and is subject to suspension or revocation for failure to comply with this section.
- **Paragraph (c)** requires each facility to be licensed if a single entity maintains more than one facility on different premises.
- **Paragraph (d)** requires an abortion facility to be accredited or be a member of an accrediting or membership organization or obtain accreditation or membership within six months of the date of the licensure application. If a facility loses accreditation or membership, the facility must notify the commissioner.
- **Paragraph (e)** states that the commissioner, attorney general, a county attorney, or a woman upon whom an abortion was performed or attempted to be performed at an unlicensed facility may seek an injunction in district court against the unlicensed facility.
- **Paragraph (f)** states that sanctions provided in this section do not restrict other available sanctions.

Subd. 3 authorizes the commissioner to issue a temporary license for facilities that plan to begin operations on or after July 1, 2022. the temporary license is valid for a period of six months.

Subd. 4 specifies the information that must be included in the application for licensure.

Subd. 5 requires the commissioner of health to inspect the facility before the initial licensure and at least once every two years. The commissioner is not required to provide notice prior to an inspection.

Subd. 6 specifies the grounds under which the commissioner may refuse to grant or renew or suspend or revoke a license. The licensee is entitled to a notice and hearing and a new license may be issued after an inspection of the facility has been conducted.

Subd. 7 specifies the amount of the licensure fees.

Subd. 8 requires a license to be renewed every two years. A temporary license may be renewed for one additional six-month period.

Subd. 9 requires that the health records maintained by the facility comply with the Minnesota Health Records Act.

Subd. 10 provides for severability if any provision is found to be unconstitutional.

Section 2 appropriates funds from the state government special revenue fund to the commissioner of health for licensure activities.