

parties set forth in the lease agreement, unless it can be shown by a preponderance of the evidence that the terms of the lease agreement cannot be reconciled with the stated intent. In no event shall the lease agreement be deemed to create a conditional sale or security interest merely because it permits or requires the amount of rental payments to be adjusted upward or downward by reference to the amount realized by the lessor upon sale or disposition of the vehicle.

Presented to the governor May 16, 1989

Signed by the governor May 17, 1989, 6:33 p.m.

### CHAPTER 175—H.F.No. 444

*An act relating to data privacy; providing for access to private medical examiner data and other medical data by family members; amending Minnesota Statutes 1988, sections 13.42, subdivision 3; 13.83, subdivision 8; and 144.335, subdivision 1.*

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

Section 1. Minnesota Statutes 1988, section 13.42, subdivision 3, is amended to read:

Subd. 3. **CLASSIFICATION OF MEDICAL DATA.** Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data as provided in section 144.335, and shall not be disclosed to others except:

(a) Pursuant to section 13.05;

(b) Pursuant to a valid court order;

(c) To administer federal funds or programs;

(d) To the surviving spouse or next of kin, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred;

(e) To communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; or

(f) As otherwise required by law.

Sec. 2. Minnesota Statutes 1988, section 13.83, subdivision 8, is amended to read:

Subd. 8. **ACCESS TO PRIVATE DATA.** The data made private by this section shall be are accessible to the legal representative of the decedent's estate ~~or~~ and to the decedent's surviving spouse ~~or next of kin or,~~ parents, children, and siblings and their legal ~~representative~~ representatives.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1988, section 144.335, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapter 147, 148, 148B, 150A, 151, or 153; (2) a home care provider licensed under section 144A.46; and (3) a health care facility licensed pursuant to this chapter or chapter 144A.

Presented to the governor May 18, 1989

Signed by the governor May 19, 1989, 12:08 a.m.

---

#### CHAPTER 176—H.F.No. 1207

*An act relating to counties; allowing county boards to set sheriff's fees; providing conditions for the disposition of county property; amending Minnesota Statutes 1988, sections 357.09; and 373.01, subdivision 1.*

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

Section 1. Minnesota Statutes 1988, section 357.09, is amended to read:

#### 357.09 SHERIFFS.

Subdivision 1. ~~The Fees to set under subdivision 8 shall be charged and collected by the sheriff shall be as follows, and no other or greater fees shall be charged for:~~

(1) Serving a summons, warrant, writ, subpoena, or any process issued by a court of record, ~~\$10~~ for each defendant served and mileage;

(2) Taking and approving a bond, ~~\$4~~, and for a certified copy thereof, ~~\$1 per folio~~;

(3) Collection on execution after levy; ~~five percent on the first \$250 and three percent on the remainder~~;

New language is indicated by underline, deletions by ~~strikeout~~.