

(3) who drives a vehicle with a seating capacity of ten or fewer persons used as a Head Start bus.

Sec. 2. EFFECTIVE DATE; APPLICABILITY.

Section 1 is effective June 1, 2001, and applies to offenses committed before, on, or after that date.

Presented to the governor April 11, 2001

Signed by the governor April 13, 2001, 1:50 p.m.

CHAPTER 26—S.F.No. 225

An act relating to civil commitment; modifying the prohibition on the use of restraints; amending Minnesota Statutes 2000, section 253B.03, subdivision 1.

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

Section 1. Minnesota Statutes 2000, section 253B.03, subdivision 1, is amended to read:

Subdivision 1. **RESTRAINTS.** (a) A patient has the right to be free from restraints. Restraints shall not be applied to a patient in a treatment facility unless the head of the treatment facility or, a member of the medical staff, or a licensed peace officer who has custody of the patient determines that they are necessary for the safety of the patient or others.

(b) Restraints shall not be applied to patients with mental retardation except as permitted under section 245.825 and rules of the commissioner of human services. Consent must be obtained from the person or person's guardian except for emergency procedures as permitted under rules of the commissioner adopted under section 245.825.

(c) Each use of a restraint and reason for it shall be made part of the clinical record of the patient under the signature of the head of the treatment facility.

Presented to the governor April 11, 2001

Signed by the governor April 13, 2001, 1:50 p.m.

CHAPTER 27—S.F.No. 702

An act relating to natural resources; modifying requirements for the Blufflands trail system; amending Minnesota Statutes 2000, section 85.015, subdivision 7.

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

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

Section 1. Minnesota Statutes 2000, section 85.015, subdivision 7, is amended to read:

Subd. 7. **BLUFFLANDS TRAIL SYSTEM, FILLMORE, OLMSTED, WINONA, AND HOUSTON COUNTIES.** (a) The Root River trail shall originate at Chatfield in Fillmore county, and thence extend easterly in the Root river valley to the intersection of the river with Minnesota trunk highway No. 26 in Houston county, and extend to the Mississippi river.

(b) Additional trails ~~shall~~ may be established that extend the Blufflands trail system to include La Crescent, Hokah, Caledonia, and Spring Grove in Houston county; Preston, Harmony, Fountain, Wykoff, Spring Valley, Mabel, Canton, and Ostrander in Fillmore county; Dover, Eyota, Stewartville, Byron, and Chester Woods county park in Olmsted county; and Winona, Minnesota City, Rollingstone, Altura, Lewiston, Utica, St. Charles, and Elba in Winona county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trails shall be developed primarily for nonmotorized riding and hiking.

Presented to the governor April 11, 2001

Signed by the governor April 13, 2001, 1:50 p.m.

CHAPTER 28—S.F.No. 1204

An act relating to insurance; regulating the use of HIV and bloodborne pathogen tests; amending Minnesota Statutes 2000, section 72A.20, subdivision 29.

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

Section 1. Minnesota Statutes 2000, section 72A.20, subdivision 29, is amended to read:

Subd. 29. **HIV TESTS; CRIME VICTIMS AND EMERGENCY MEDICAL SERVICE PERSONNEL.** No insurer regulated under chapter 61A, 62B, or 62S, or providing health, medical, hospitalization, long-term care insurance, or accident and sickness insurance regulated under chapter 62A, or nonprofit health service plan corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal benefit society regulated under chapter 64B, may:

(1) ~~obtain or use the performance of or the results of a test to determine the presence of the human immunodeficiency virus (HIV) antibody performed on an offender under section 611A.19 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision,~~

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