

CHAPTER 266—S.F.No. 1040

An act relating to civil actions; limiting liability for certain conduct of persons released from confinement; limiting liability of certain officers and directors of a certain public corporation; amending Minnesota Statutes 2004, section 604A.31, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 383B.905; proposing coding for new law in Minnesota Statutes, chapter 147.

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

Section 1. **[147.231] RELEASED PERSONS; PRESCRIPTIONS.**

(a) Subject to paragraph (b), a physician, physician's assistant, certified nurse practitioner, or clinical nurse specialist in psychiatric and mental health nursing is not civilly liable for conduct of a former prisoner or civilly committed person that is related to the use or nonuse of medicines prescribed by the physician, physician's assistant, certified nurse practitioner, or clinical nurse specialist in psychiatric and mental health nursing before the prisoner's or committed person's release. This limitation on liability applies during the period from release from confinement until the former prisoner or committed person is scheduled to receive new medicines pursuant to a new prescription written after the release.

(b) In order for paragraph (a) to apply, the person must have made the prescription in good faith, within the scope of lawful practice, and with reasonable care.

Sec. 2. Minnesota Statutes 2005 Supplement, section 383B.905, is amended to read:

383B.905 AUTHORITY AND DUTIES OF OFFICERS AND DIRECTORS; UNPAID OFFICERS AND DIRECTORS LIABILITY FOR DAMAGES.

Subdivision 1. **In bylaws or by board.** Officers and directors have the authority and duties in the management of the business of the corporation that the bylaws prescribe or, in the absence of such prescription, as the board determines.

Subd. 2. **Ordinary prudent person standard.** Officers and directors shall discharge their duties in good faith, in the manner the officer or director reasonably believes to be in the best interests of the corporation, and with the care an ordinary prudent person in a like position would exercise under similar circumstances.

Subd. 3. **Not trustees.** Officers and directors are not considered to be trustees with respect to the corporation or with respect to property held or administered by the corporation, including, without limit, property that may be subject to restrictions imposed by the donor or transferor of the property.

Subd. 4. **Liability.** A person who serves without compensation as a director or officer of the corporation is exempt from civil liability to the same extent as provided under section 317A.257 for the directors and officers listed in section 317A.257, subdivision 1.

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

Sec. 3. Minnesota Statutes 2004, section 604A.31, is amended by adding a subdivision to read:

Subd. 2a. **Prescriptions for released persons.** A physician, physician's assistant, certified nurse practitioner, or clinical nurse specialist in psychiatric and mental health nursing who prescribes drugs for a prisoner or committed person is immune from liability for conduct of that person related to the use or nonuse of medicine as provided in section 147.231.

Presented to the governor May 22, 2006

Signed by the governor June 1, 2006, 9:37 p.m.