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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 78

01/05/2023 Authored by Robbins and Smith
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; providing for informed consent for pelvic examinations of an
1.3 anesthetized or unconscious patient; establishing a penalty; proposing coding for
1.4 new law in Minnesota Statutes, chapter 145.

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

1.6 Section 1. [145.472] INFORMED CONSENT REQUIRED FOR PELVIC
1.7 EXAMINATIONS.

1.8 Subdivision 1. Informed consent required; exceptions. A health professional, or a
1.9 student or resident participating in a course of instruction, clinical training, or a residency
1.10 program for a health profession, shall not perform a pelvic examination on an anesthetized
1.11 or unconscious patient unless:

1.12 (1) the patient or the patient's legally authorized representative provided prior, written,
1.13 informed consent to the pelvic examination, and the pelvic examination is necessary for
1.14 preventive, diagnostic, or treatment purposes;

1.15 (2) the patient or the patient's legally authorized representative provided prior, written,
1.16 informed consent to a surgical procedure or diagnostic examination, and the pelvic
1.17 examination is within the scope of care ordered for that surgical procedure or diagnostic
1.18 examination;

1.19 (3) the patient is unconscious and incapable of providing informed consent, and the
1.20 pelvic examination is necessary for diagnostic or treatment purposes; or

1.21 (4) a court ordered a pelvic examination to be performed for purposes of collection of
1.22 evidence.

2.1 Subd. 2. **Penalty; ground for disciplinary action.** A person who violates this section  
2.2 is guilty of a gross misdemeanor and is subject to disciplinary action by the health-related  
2.3 licensing board regulating the person.

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
2.5 committed on or after that date.