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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4303

03/14/2022 Authored by Edelson and Kotyza-Witthuhn The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to state government; requiring the state to pay for costs incurred by a
1.3 hospital or health care provider for the examination of a victim of criminal sexual
1.4 conduct; amending Minnesota Statutes 2020, sections 144.6586, subdivision 2;
1.5 609.35.

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

1.7 Section 1. Minnesota Statutes 2020, section 144.6586, subdivision 2, is amended to read:

1.8 Subd. 2. Contents of notice. The commissioners of health and public safety, in
1.9 consultation with sexual assault victim advocates and health care professionals, shall develop
1.10 the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:

1.11 (1) the obligation under section 609.35 of the county where the criminal sexual conduct
1.12 occurred state to pay for the examination performed for the purpose of gathering evidence,
1.13 that payment is not contingent on the victim reporting the criminal sexual conduct to law
1.14 enforcement, and that the victim may incur expenses for treatment of injuries;

1.15 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
1.16 right to apply for reparations under sections 611A.51 to 611A.68, information on how to
1.17 apply for reparations, and information on how to obtain an order for protection or a
1.18 harassment restraining order; and

1.19 (3) the opportunity under section 611A.27 to obtain status information about an
1.20 unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1,
1.21 paragraph (h).

2.1 Sec. 2. Minnesota Statutes 2020, section 609.35, is amended to read:

2.2 **609.35 COSTS OF MEDICAL EXAMINATION.**

2.3 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
 2.4 facility or by a ~~private~~ physician or other licensed health care provider for the examination
 2.5 of a victim of criminal sexual conduct when the examination is performed for the purpose
 2.6 of gathering evidence shall be paid by the ~~county in which the criminal sexual conduct~~
 2.7 ~~occurred~~ state. These costs include, but are not limited to, full cost of the rape kit examination,
 2.8 associated tests relating to the complainant's sexually transmitted disease status, and
 2.9 pregnancy status. A hospital, emergency medical facility, or health care provider shall
 2.10 submit the costs for the examination and any associated tests to the commissioner of public
 2.11 safety for payment. Upon receipt of the costs, the commissioner shall provide payment to
 2.12 the facility or health care provider. The cost of the examination and any associated tests
 2.13 shall not exceed the amount of \$1,400.

2.14 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
 2.15 liabilities of any insurer, whether public or private. However, ~~a county~~ the state may seek
 2.16 insurance reimbursement from the victim's insurer only if authorized by the victim. This
 2.17 authorization may only be sought after the examination is performed. When seeking this
 2.18 authorization, the ~~county~~ state shall inform the victim that if the victim does not authorize
 2.19 this, the ~~county~~ state is required by law to pay for the examination and that the victim is in
 2.20 no way liable for these costs or obligated to authorize the reimbursement.

2.21 (c) The applicability of this section does not depend upon whether the victim reports
 2.22 the offense to law enforcement or the existence or status of any investigation or prosecution.

2.23 (d) The commissioner of public safety shall assess a hospital, emergency medical facility,
 2.24 or health care provider with a civil penalty in the amount of \$25,000 per violation if the
 2.25 facility or health care provider directly bills a victim for the cost of an examination or
 2.26 associated tests in violation of this section. Any penalty collected by the commissioner
 2.27 under this paragraph shall be deposited in the general fund.

2.28 Sec. 3. **APPROPRIATION.**

2.29 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of
 2.30 public safety to pay for the cost of the medical examination in accordance with Minnesota
 2.31 Statutes, section 609.35.

3.1 Sec. 4. **EFFECTIVE DATE.**

3.2 Sections 1 and 2 are effective July 1, 2022, and apply to any examination that occurs
3.3 on or after that date.