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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 1615**

March 1, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act  
1.2 relating to health; changing an abortion provision; providing penalties; proposing  
1.3 coding for new law in Minnesota Statutes, chapter 145.

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

1.5 Section 1. **[145.4122] NON-HOSPITAL-PERFORMED ABORTIONS;**  
1.6 **REQUIREMENT; MISDEMEANOR.**

1.7 Subdivision 1. **Physician requirement.** A physician who knowingly and  
1.8 intentionally performs or induces an abortion, who does not have clinical privileges at a  
1.9 hospital which offers obstetrical or gynecological care within the state and within 20 miles  
1.10 of the location where the abortion is performed or induced, is guilty of a misdemeanor and  
1.11 is subject to the criminal penalties provided by law. For purposes of this section, abortion  
1.12 has the meaning given in section 144.343, subdivision 3.

1.13 Subd. 2. **Severability.** If any one or more provision, section, subdivision, sentence,  
1.14 clause, phrase, or word of this section or the application of it to any person or circumstance  
1.15 is found to be unconstitutional, it is declared to be severable and the balance of this section  
1.16 shall remain effective notwithstanding such unconstitutionality. The legislature intends  
1.17 that it would have passed this section, and each provision, section, subdivision, sentence,  
1.18 clause, phrase, or word irrespective of the fact that any one provision, section, subdivision,  
1.19 sentence, clause, phrase, or word is declared unconstitutional.

1.20 Subd. 3. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original  
1.21 jurisdiction over an action challenging the constitutionality of this section and shall  
1.22 expedite the resolution of the action.