

# Minnesota Shield Law Fact Sheet

AUGUST 2024

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Minnesota's shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, and civil liability related to reproductive health care. Additionally, Minnesota's shield laws provide protections for medical information related to reproductive health care. Minnesota also provides protections against out-of-state investigations and prosecutions and civil liability related to gender-affirming health care. Minnesota's shield laws do not yet include protections against professional discipline or protections for medical information related to gender-affirming health care, and do not include protections for health care providers' professional liability insurance for either reproductive or gender-affirming health care.

## **PROTECTION AGAINST OUT-OF-STATE INVESTIGATIONS AND PROSECUTIONS**

### **Protection Barring State Agency/Employee Assistance**

Under Executive Orders issued in June 2022 and March 2023, no state agency may provide any information or use any resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions upon a person or entity for providing, securing, receiving, inquiring into, or assisting in reproductive or gender-affirming health care services legal in Minnesota.<sup>1</sup>

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<sup>1</sup> Minn. Exec. Order No. 22-16, Protecting Access to Reproductive Health Care Services in Minnesota (June 25, 2022), available at [https://mn.gov/governor/assets/EO%2022-16\\_tcm1055-532111.pdf](https://mn.gov/governor/assets/EO%2022-16_tcm1055-532111.pdf); Minn. Exec. Order No. 23-03, Protecting and Supporting the Rights of Minnesota's LGBTQIA+ Community Members to Seek and Receive Gender Affirming Health Care Services (March 8, 2023), available at: [https://mn.gov/governor/assets/EO%2023-03%20Signed%20and%20filed\\_tcm1055-568332.pdf](https://mn.gov/governor/assets/EO%2023-03%20Signed%20and%20filed_tcm1055-568332.pdf).

## Protection against Extradition and Arrests

The extradition, apprehension, or warrantless arrest of people charged in another state for reproductive and gender-affirming health care services received or provided in Minnesota is prohibited.<sup>2</sup>

## Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Subpoenas for attendance of a witness or production of records may not be enforced in Minnesota if they relate to a potential civil or criminal action in another state against a patient, health care provider, or other person for violating another state's law that restricts or limits access to or provision of pregnancy termination.<sup>3</sup> Subpoenas also may not be issued if related to violation of another state's laws designed to interfere with an individual's right to receive gender-affirming health care.<sup>4</sup>

## PROTECTION FROM PROFESSIONAL DISCIPLINE

### Protection against Adverse Actions related to Providers' Licenses and Other Board Discipline

Physicians, physician assistants, nurses, pharmacists, pharmacy technicians, and pharmacist interns may not be subject to disciplinary action, license refusal, or refusal to grant registration to perform interstate telehealth services based on providing or assisting in the provision of reproductive health care services lawful in Minnesota, or based on a disciplinary action or conviction in another state because of the provision of reproductive health care services lawful in Minnesota.<sup>5</sup>

## PROTECTION AGAINST CIVIL LIABILITY

### Protection against Application or Enforcement of Another State's Laws or Judgments in Minnesota State Court

Minnesota courts may not apply another state's laws or enforce another state's judgments related to a civil action for terminating or seeking to terminate a pregnancy, performing an act to terminate a pregnancy, or knowingly assisting in the termination of a pregnancy.<sup>6</sup> Additionally, Minnesota courts may not apply another state's laws or enforce another state's court order authorizing the removal of a child from their guardian because the guardian allowed the child to receive gender-affirming health care.<sup>7</sup>

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<sup>2</sup> HF 366 (Minn. 2023) (Minn. Stat. §§ 629.02, 629.05, 629.06, 629.13, 629.14); HF 146 (Minn. 2023) (Minn. Stat. § 629.02).

<sup>3</sup> HF 366 (Minn. 2023) (Minn. Stat. § 548.252(c)).

<sup>4</sup> HF 146 (Minn. 2023) (Minn. Stat. § 543.23).

<sup>5</sup> HF 366 (Minn. 2023) (Minn. Stat. §§ 147.091, 147A.13, 148.261, 151.071).

<sup>6</sup> HF 366 (Minn. 2023) (Minn. Stat. § 548.252).

<sup>7</sup> HF 146 (Minn. 2023) (Minn. Stat. § 260.925).

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## Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person may bring an action in Minnesota against a person who filed an action in another state based on the alleged provision, receipt, assistance, or material support for reproductive health care services permitted in Minnesota, and recover the amount of the judgment entered in the other state and related costs and fees.<sup>8</sup>

## PRIVACY OF MEDICAL INFORMATION AND OTHER DATA RELATED TO ABORTION AND GENDER-AFFIRMING CARE

### Protection Against Disclosure of Medical Information

A health care provider or person who receives health records from a provider may not release a patient’s records without patient consent or a specific authorization in law, and another state’s law or court order authorizing a civil or criminal subpoena to obtain a patient’s health records relating to the provision of reproductive health care services may not authorize disclosure of records without patient consent.<sup>9</sup>

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<sup>8</sup> HF 366 (Minn. 2023) (Minn. Stat. § 604.415).

<sup>9</sup> HF 366 (Minn. 2023) (Minn. Stat. § 144.2935); Minn. Stat. § 144.293.

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## ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

### For more information

[law.ucla.edu/academics/centers/center-reproductive-health-law-and-policy](http://law.ucla.edu/academics/centers/center-reproductive-health-law-and-policy)

[crhlp@law.ucla.edu](mailto:crhlp@law.ucla.edu)

To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: [larj@law.ucla.edu](mailto:larj@law.ucla.edu)