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State of Minnesota

HOUSE OF REPRESENTATIVES

SEVENTH SPECIAL SESSION

H. F. No. 41

12/14/2020 Authored by Lucero and Bennett
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; requiring consent for vaccination; prohibiting consent coercion
1.3 and discrimination; imposing criminal penalties; amending Minnesota Statutes
1.4 2020, section 144.4197; proposing coding for new law in Minnesota Statutes,
1.5 chapter 144.

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

1.7 Section 1. 144.0621 CONSENT REQUIRED FOR VACCINATION.

1.8 No vaccination shall be administered in this state unless the individual receiving the
1.9 vaccine gives written consent to the vaccination. For a child or an individual who is unable
1.10 to give consent, the parent or legal guardian shall first give written consent prior to the
1.11 administration of a vaccine. No government official or agent of government shall attempt
1.12 to coerce or compel an individual to consent to vaccination by means of withholding a
1.13 government benefit such as a stimulus check, MFIP, general assistance, supplemental aid,
1.14 health care programs, diversionary work programs, unemployment compensation student
1.15 loans, or any other form of government assistance.

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

1.17 Sec. 2. Minnesota Statutes 2020, section 144.4197, is amended to read:

1.18 **144.4197 EMERGENCY VACCINE ADMINISTRATION; LEGEND DRUG.**

1.19 Subdivision 1. Vaccine administration. When a mayor, county board chair, or legal
1.20 successor to such official has declared a local emergency under section 12.29 or the governor
1.21 has declared an emergency under section 12.31, subdivision 1 or 2, or a community health
1.22 board or its appointed agent under chapter 145A has requested the commissioner's assistance

2.1 in response to an event threatening public health in its jurisdiction, the commissioner of  
2.2 health may authorize any person, including, but not limited to, any person licensed or  
2.3 otherwise credentialed under chapters 144E, 147 to 148, 150A, 151, 153, or 156, to  
2.4 administer vaccinations or dispense legend drugs if the commissioner determines that such  
2.5 action is necessary to protect the health and safety of the public. The authorization shall be  
2.6 in writing and shall contain the categories of persons included in the authorization, any  
2.7 additional training required before performance of the vaccination or drug dispensing by  
2.8 such persons, any supervision required for performance of the vaccination or drug dispensing,  
2.9 and the duration of the authorization. The commissioner may, in writing, extend the scope  
2.10 and duration of the authorization as the emergency warrants. Any person authorized by the  
2.11 commissioner under this section shall not be subject to criminal liability, administrative  
2.12 penalty, professional discipline, or other administrative sanction for good faith performance  
2.13 of the vaccination or drug dispensing duties assigned according to this section.

2.14 Subd. 2. **Discrimination prohibited.** No agent of government or business shall treat  
2.15 differently, single out, deny opportunity, ostracize, stigmatize, or discriminate against an  
2.16 individual as a result of the individual's decision on whether or not to receive a vaccine. No  
2.17 government, including political subdivisions, or business operating in the state shall require  
2.18 proof of vaccination or health record proving vaccination in order to permit entry into a  
2.19 building or facility open to the general public. An individual shall not be denied the ability  
2.20 to engage in commerce as a result of a decision on whether or not to vaccinate.

2.21 Subd. 3. **Penalty.** A violation of subdivision 2 is a felony with a minimum of ten years'  
2.22 imprisonment.

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