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January 12, 2023

VIA EMAIL

Senator Erin Murphy, Chair
Members of the Senate State and Local Government and Veterans Committee
Senator Jen McEwen
Room 1200, Minnesota Senate Building
St. Paul, Minnesota 55155

Re: Support for SF 1: the Protect Reproductive Options Act

Dear Members:

I write in strong support of SF 1 which codifies the Minnesota Supreme Court's ruling in *Doe v. Gomez*, 542 N.W.2d 17 (Minn. 1995) that the right to abortion is protected by the Minnesota Constitution. In particular, I'd like to highlight the importance of subdivision 5.

Last fall, the Prinsburg City Council took up an ordinance that would have allowed its residents to personally sue abortion providers, including companies that provide legal abortion drugs by mail, despite the Minnesota Supreme Court's ruling in *Doe v. Gomez*.

After I advised the Prinsburg City Council that the proposed ordinance was unconstitutional and preempted by state law under *Doe v. Gomez*, they unanimously voted it down. But proponents of the ordinance have vowed to continue pressing other rural Minnesota communities to adopt it. Notwithstanding their obvious illegality, local government regulations like the proposed City of Prinsburg ordinance stand to confuse and dissuade Minnesotans from exercising their fundamental right to make autonomous decisions about their own reproductive health, thus potentially undermining the PRO Act.

Subdivision 5 codifies the PRO Act's preemptive effect by expressly preempting all local government regulations—like the ordinance recently considered by the City of Prinsburg—that conflict with or seek to limit an individual's rights under the PRO Act. It puts local government units across the State on notice that regulating reproductive health is beyond their authority.

Sincerely,

Keith Ellison
Minnesota Attorney General