

February 10, 2023

Chair Latz and Members of the Committee,

My name is Christa Moseng and my pronouns are she/her. I am a Minnesota attorney currently employed by the state executive branch and I am the current chair of MNclusive, the LGBTQIA+ resource group for state employees. I appear before you today in my personal capacity. I want to first discuss the context that brings us here today and then discuss the effectiveness and enforceability SF 63.

Minnesota recognizes and protects the human rights of trans people.¹ What brings us here today is a concerted effort in other states to deny human rights that Minnesotans take for granted. Rights like the right to have a family, to access medically necessary healthcare, and to raise children with a minimum of government interference.²

35 states are considering nearly 300 bills that take from trans people their privacy, their family relationships, and their rights to access public accommodations and health care.³ Yes, those numbers have increased since my testimony to a House committee on January 31. Each bill is a statement of intent and a credible threat to use the power of government to take human rights away from trans people and their families. States like Texas and Florida are also using executive power for this purpose.

If there is one thing that I know a Minnesota public official can safely say, it's that Minnesota is not Florida.⁴ Or Texas. Or Oklahoma. Or Utah. We do not threaten to pull families apart. We do not erase trans people from public life and public accommodations. When a child, their parent, and their doctor all agree it can be prevented, we do not force children to experience unwanted, permanent, and harmful physical changes.

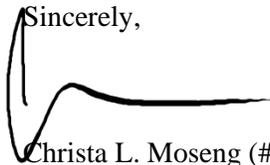
Which brings me to the bill. SF 63 would protect children, families, and caregivers in Minnesota from extraterritorial laws and orders that could interfere with the right to receive gender-affirming health care in Minnesota.

The sections that amend the Uniform Child Custody Jurisdiction and Enforcement Act appear consistent with federal law.⁵ Their scope is narrowly focused on jurisdictional analysis to ensure that the state's interest in the child's welfare is not unnecessarily relinquished.

The sections that amend the Uniform Criminal Extradition Act will protect individuals and families by preventing their removal for exercising their rights in Minnesota. Those sections are narrowly tailored to circumstances where Minnesota's discretion is not constrained by federal law.⁶ The careful tailoring of these provisions ensures they are likely effective and enforceable.

This bill is not merely a statement; it would substantively strengthen Minnesota's position as a human rights leader in the United States.

Sincerely,



Christa L. Moseng (#0388830)

¹ 1993 Minn. Laws ch. 22 § 2, *codified as* Minn. Stat. § 363A.03, subd. 44.

² *See, e.g., Moore v. City of East Cleveland*, 431 U.S. 494, 503 (1997) (holding “the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this nation’s history and tradition”).

³ TRANS LEGISLATION TRACKER, available at <https://translegislation.com/> (last visited Feb. 8, 2023).

⁴ *See* MINN. SUPREME COURT HEARS ARGUMENTS IN RECOUNT DISPUTE, MPR News (Dec. 17, 2008), *available at* <https://www.mprnews.org/story/2008/12/17/minn-supreme-court-hears-arguments-in-recount-dispute> (quoting Justice Paul Anderson saying “[T]his is not Florida, and I’m not terribly receptive to you telling us that we’re going to Florida.”)

⁵ *See* 28 U.S.C. § 1738A (providing for the full faith and credit of child custody determinations).

⁶ *See* U.S. Const. Art. 4 § 2; 18 U.S.C. § 3182 (requiring extradition of fugitives).