

S.F. No. 63 – Gender-affirming health care; prohibiting enforcement of certain subpoenas, court orders, and laws

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Date: February 9, 2023

Overview

S.F. 63 prohibits the enforcement of civil and criminal subpoenas, court orders, and laws related to restrictions on obtaining gender-affirming healthcare. This bill amends the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), conferring jurisdiction upon Minnesota courts in cases where a child is seeking gender-affirming health care, and amends the Uniform Criminal Extradition Act by prohibiting extraditions, issuing warrants, or making arrests involving gender-affirming health care.

Summary

Section 1 prohibits the enforcement of a non-Minnesota court order for the removal of a child because the child’s parent or guardian assisted the child in receiving gender-affirming care in Minnesota. This section also prohibits application of a law of another state authorizing removal of a child because the parent or guardian allowed the child to receive gender-affirming care to a pending child protection matter in Minnesota.

Section 2 amends the UCCJEA and allows a Minnesota court to make initial child custody determinations by finding that the parent and child have significant connections with this state when the child is in the state for purposes of obtaining gender-affirming health care.

Section 3 amends the UCCJEA to allow a Minnesota court to find temporary emergency jurisdiction in a child custody proceeding when the child has been unable to obtain gender-affirming health care.

Section 4 amends the UCCJEA by directing a Minnesota court not to find Minnesota an inconvenient forum for the child custody determination when another state’s law or policy would limit the ability of the child to obtain gender-affirming health care.

Section 5 defines “gender-affirming health care” and prohibits issuance and enforcement of subpoenas related to violations of another state’s law designed to interfere with an individual’s right to receive gender-affirming health care. Failure to comply with such a subpoena must not be the basis for contempt.

Section 6 prohibits the detention and extradition of a person who commits an act or receives a service in Minnesota involving gender-affirming health care.

Section 7 establishes that, where the governor has discretion to extradite a person who left a demanding state involuntarily, the governor may not extradite a person for acts committed in Minnesota involving gender-affirming health care.

Section 8 provides that, where the governor has discretion to extradite a person charged in another state for acts committed in Minnesota or a third state, the governor may not extradite a person for acts involving gender-affirming health care.

Section 9 prohibits a judge in Minnesota from issuing a warrant for the arrest of a person charged in another state for a crime arising from acts committed in Minnesota involving gender-affirming health care.

Section 10 prohibits a peace officer or other person from arresting a person charged in another state for a crime arising from acts committed in Minnesota involving gender-affirming health care.

Effective date. This bill is effective the day following final enactment.