

Minors' Consent for Health Care

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A minor may not receive health care services without consent of a parent or guardian, unless an exception applies.¹ State statutes permit minors to consent to health care services in certain circumstances and authorize minors to consent to specific services. This publication lists circumstances in which minors may consent to health care services, lists specific health care services to which minors may consent, and explains the effects of a minor's consent to health care services.

Circumstances in Which Minors May Consent to Health Care Services

Emergency treatment. Health services may be provided to minors without the consent of a parent if, in the health professional's judgment, treatment should be given without delay, and if obtaining consent would result in delay or denial of treatment ([Minn. Stat. § 144.344](#)).

Minor who has been married or has given birth. Any minor who has been married or has given birth may consent to personal medical, mental, dental, or other health services or to services for the minor's child ([Minn. Stat. § 144.342](#)).

Minor who is living apart from parents and managing own financial affairs. A minor who is living apart from his or her parents or legal guardian and who is managing his or her own financial affairs may consent to his or her own medical, mental, or dental care services. This exception applies to a minor regardless of whether the minor's parents have consented to the minor living apart, regardless of the extent or source of the minor's income, and regardless of the duration of the separate residence ([Minn. Stat. § 144.341](#)).

Health Care Services to Which Minors May Consent

Abortion. [Minnesota Statutes, section 144.343](#), subdivisions 2 to 7, require a minor seeking an abortion to notify both of the minor's parents or the minor's guardian of the intended abortion and wait 48 hours, or seek judicial approval for the abortion. The law does not require notice if an attending physician certifies the abortion is needed to prevent the minor's death and there is not time to provide the required notice, if the persons entitled to notice authorize the abortion in writing, or if the minor is a victim of sexual abuse, neglect, or physical abuse ([Minn. Stat. § 144.343](#), subds. 2 to 7). In *Doe v. Minnesota*, No. 62-CV-19-3868 (Minn. Dist. Ct. July 11, 2022), a Ramsey County district court held that [section 144.343](#), subdivisions 2 to 6, are unconstitutional and issued an injunction prohibiting their enforcement.

¹ [Minnesota Statutes, sections 645.45](#) and [645.451](#), define a minor as a person under 18 years of age. In general, a health care provider must obtain consent before providing health services to a patient. In many cases, a minor cannot consent to health services due to the minor's age, and in those cases a minor patient's parent or guardian has authority to consent to or decline health care services on behalf of the minor.

Admission to treatment facility or state-operated treatment program. Any person 16 years or older may request admission to a treatment facility or state-operated treatment program as a voluntary patient for observation or treatment of mental illness, chemical dependency, or developmental disability, and may consent to hospitalization, routine diagnostic evaluation, and emergency or short-term acute care. If a minor who is 16 or 17 refuses to consent to admission to a treatment facility or state-operated treatment program, the minor's parent or guardian may consent to the minor's admission for mental illness, developmental disability, or chemical dependency treatment, if an independent examination confirms the minor has a mental illness, developmental disability, or chemical dependency, and is suitable for treatment ([Minn. Stat. §§ 253B.03](#), subd. 6, para. (b); [253B.04](#), subd. 1).

Anatomical gifts. An emancipated minor or a minor who is at least 16 years old may make an anatomical gift during the life of the minor. However, upon the death of an unemancipated minor, the minor's parent may revoke or amend an anatomical gift, or may revoke the minor's refusal to make an anatomical gift ([Minn. Stat. §§ 525A.04](#) and [525A.08](#)).

Blood donation. A minor age 17 or older may consent to blood donation in a voluntary, noncompensatory program. A 16-year-old minor may donate blood with written consent from a parent or guardian ([Minn. Stat. § 145.41](#)).

Hepatitis B vaccinations. A minor may consent to a hepatitis B vaccination ([Minn. Stat. § 144.3441](#)).

Medical, mental, and other health services for certain conditions. A minor may consent to medical, mental, and other health services to determine the presence of or to treat pregnancy and associated conditions; venereal disease; and alcohol and other drug abuse ([Minn. Stat. § 144.343](#), subd. 1).

Effects of Minor Consent to Health Care Services

Effect of minor's consent for persons rendering services. If a minor represents to a health professional that he or she is able to give effective consent for medical, mental, dental, or other health services, but is in fact not able to do so, the minor's consent is effective if relied upon in good faith by the person rendering the health service ([Minn. Stat. § 144.345](#)).

Financial responsibility. A minor who consents to health care services is financially responsible for the cost of the services ([Minn. Stat. § 144.347](#)).

Parent or guardian access to health records of minor children. Parents and guardians have access to their minor children's health records, unless the minor legally consents to services as authorized in the Consent of Minors for Health Services statutes ([Minn. Stat. §§ 144.341](#) to [144.347](#)). In that case, parents or guardians do not have access to the minor's health records without the minor's authorization ([Minn. Stat. § 144.291](#), subd. 2, para. (g)). However, a health professional may inform a minor's parent or guardian of treatment if, in the professional's judgement, failure to inform the parent or guardian would seriously jeopardize the minor's health ([Minn. Stat. § 144.346](#)).



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