

# Minors' Consent for Health Care

## CONSENT FLOWCHART

### Person under 18 years old requests the following care:

- Emergency care – [Sec. 144.344 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.344\)](http://www.revisor.mn.gov/statutes/cite/144.344)
- Pregnancy-related care – [Sec. 144.343 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.343\)](http://www.revisor.mn.gov/statutes/cite/144.343)
- STI diagnosis and treatment – [Sec. 144.343 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.343\)](http://www.revisor.mn.gov/statutes/cite/144.343)
- Alcohol or drug use evaluation – [Sec. 253B.04 MN Statutes \(www.revisor.mn.gov/statutes/cite/253B.04\)](http://www.revisor.mn.gov/statutes/cite/253B.04)
- Contraceptive care\* – [Sec. 144.343 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.343\)](http://www.revisor.mn.gov/statutes/cite/144.343)
- Abortion services\*\* – [Sec. 144.343 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.343\)](http://www.revisor.mn.gov/statutes/cite/144.343)
- Hepatitis B vaccination – [Sec. 144.3441 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.3441\)](http://www.revisor.mn.gov/statutes/cite/144.3441)

YES

Minor may consent to care

NO

### Minor meets any of the following criteria:

- Living separately from parent/guardian and managing their own finances – [Sec. 144.341 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.341\)](http://www.revisor.mn.gov/statutes/cite/144.341)
- Married – [Sec. 144.342 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.342\)](http://www.revisor.mn.gov/statutes/cite/144.342)
- Has given birth to a child – [Sec. 144.342 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.342\)](http://www.revisor.mn.gov/statutes/cite/144.342)

Parent/guardian must consent to minor's care

NO

YES

Minor may consent to care

### Persons 16 and 17 years of age may consent to the following mental health care:

- Outpatient mental health services – [Sec. 144.3431 MN Statutes \(www.revisor.mn.gov/statutes/cite/144.3431\)](http://www.revisor.mn.gov/statutes/cite/144.3431)
- Admission to an inpatient mental health or alcohol and drug treatment facility – [Sec. 253B.04 MN Statutes \(www.revisor.mn.gov/statutes/cite/253B.04\)](http://www.revisor.mn.gov/statutes/cite/253B.04)

#### \*Contraceptive care:

Minn. Op. Att'y Gen. 494-b-39, August 25, 1972, Minnesota Attorney General stated that the practice of giving contraceptives to minors without parental consent by physicians is not criminal conduct.

**\*\*Parental Notification for Abortion Services:** According to the [Minnesota Attorney General Abortion and Reproductive Health Rights \(www.ag.state.mn.us/AbortionRights/\)](http://www.ag.state.mn.us/AbortionRights/), the statute requiring parental notification by providers who counsel an unemancipated minor on abortion services or who provide abortion services to an emancipated minor has been enjoined by a Minnesota judge and is currently unenforceable. (*Doe v. State*, Case No. 62-CV-19-3868, 2022 WL 2662998 (Minn. Dist. Ct. July 11, 2022)).