

**Subject** Parent's Bill of Rights

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## Overview

This bill establishes a Parent's Bill of Rights in Minnesota Statutes, chapter 257, by listing fundamental rights of parents and prohibiting any political subdivision of this state, or any other governmental entity or institution granted authority to act on behalf of the state, from infringing upon those rights. It also establishes parental rights to access examination rooms when minors are receiving health services and to receive notice of standardized questions providers ask minors when providing health services.

## Summary

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1	<b>Definitions.</b>
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Amends § 144.291, subd. 2. Amends the definition of patient in the Minnesota Health Records Act to provide the definition of patient includes a parent or guardian, except for minors who consent to health services because they are living apart from their parents and are financially independent, have been married, or have borne a child. This allows a parent or guardian to access the health records of a minor in other circumstances when a minor consents to health services (in addition to circumstances when the parent consents to health services for the minor), but not when a minor consents to health services because the minor is living apart from their parents and is financially independent, has been married, or has borne a child.

2	<b>Parent or guardian access to medical examination room of minor; questions asked of minor.</b>
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Adds § 145.565. Requires a health care provider providing health services to a minor to allow the minor's parent or guardian to access the examination room where the minor is receiving services, requires use of a privacy screen upon request when a parent is in the examination room with the minor, and requires notice of these rights to be provided before a minor is taken to the examination room. Requires a health care provider to provide a minor's parent or guardian with notice of the standardized questions the minor will be asked when providing health services to the minor.

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Exempts from this section, minors who consent to health services because they are living apart from their parents and are financially independent, have been married, or have borne a child; and examinations involving suspected cases of physical abuse or sexual abuse.

**3 Parent's Bill of Rights.**

Proposes coding for section 257.0751. Establishes the Parent's Bill of Rights.

**Subd. 1. Short title.** Provides that the act must be known as the "Parent's Bill of Rights."

**Subd. 2. Definitions.** Defines the terms "minor child" and "parent" for purposes of this section.

**Subd. 3. Parental rights reserved.** Paragraph (a) prohibits the state, any political subdivision of the state, or any other governmental entity from infringing on the fundamental right of a parent to direct the upbringing, education, and physical and mental health care of the parent's minor child without demonstrating that the potential infringement of parental rights is reasonable and necessary to achieve a compelling state interest, and that the potential infringement of parental rights is narrowly tailored and is not otherwise served by a less restrictive means. Lists parental rights, including but not limited to:

- Choosing public, charter, private, or home school;
- Accessing and reviewing the privacy of the child's school records;
- Directing the child's upbringing;
- Directing the child's moral and religious training;
- Except when a child can consent to health services or health services can be provided without parental consent:
  - providing informed consent when making health care decisions for the child;
  - consenting in writing before a physical or mental health examination of the child or before health interventions are provided to the child; and
  - consenting in writing before a record of a child's blood or DNA is made, shared, or stored, unless required by law or authorized by court order.

A health professional must provide written notice to parents and guardians in certain circumstances;

- Accessing and reviewing the child's medical records and physical samples, except for records and physical samples of children who are living apart

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from their parents and are financially independent, or who have been married or borne a child;

- Consenting in writing to any biometric scan of the child in advance;
- Consenting in writing before the state or any political subdivision makes a voice or video recording of the child, unless for one of the listed exceptions or purposes; and
- Being promptly notified if any governmental entity or institution suspects that a criminal offense has been committed against the minor by someone other than a parent.

Paragraph (b) states that any attempt to encourage or coerce a child to withhold information from the child's parent is grounds for employee discipline.

Paragraph (c) states that any attempt to coerce or discriminate against a parent for exercising the rights in this section is grounds for employee discipline.

Paragraph (d) specifies that the section does not permit abuse or neglect by a parent, or any decision that would end a child's life. It also specifies that the section does not prevent courts, law enforcement, or other government agencies from acting within the scope of their authority.

Paragraph (e) clarifies that this list of rights is not exhaustive, and a parent has inalienable rights beyond those listed in this section. States that unless otherwise required by law, the rights of a parent of a minor child must not be limited or denied.



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