

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4017

(SENATE AUTHORS: GRUENHAGEN)

DATE
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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; providing for interscholastic athletic team designation based on
1.3 the sex of the participants; creating private causes of action; prohibiting certain
1.4 health care providers from engaging in conduct relating to gender reassignment
1.5 surgery and gender transition; authorizing attorney general enforcement of
1.6 violations; prohibiting medical assistance coverage for gender transition services
1.7 for minors; prohibiting limitations on custody and parenting time based on denial
1.8 of gender transition services; requiring designation of intercollegiate athletic teams
1.9 and sports based on the sex of the participants; amending Minnesota Statutes 2022,
1.10 section 518.17, by adding a subdivision; proposing coding for new law in Minnesota
1.11 Statutes, chapters 121A; 145.

1.12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13 Section 1. 121A.0401] INTERSCHOLASTIC SPORTS TEAMS.

1.14 Subdivision 1. Sex of the participants. (a) A school that is a member of the Minnesota
1.15 State High School League must designate interscholastic athletic teams based on the sex of
1.16 the participants as follows:

1.17 (1) separate teams for participants of the female sex within female sports divisions;

1.18 (2) separate teams for participants of the male sex within male sports divisions; and

1.19 (3) if applicable, coed teams for participants of the female and male sexes within coed
1.20 sports divisions.

1.21 (b) A school, interscholastic conference, or the Minnesota State High School League
1.22 must not knowingly permit individuals of the male sex to participate on athletic teams or
1.23 in athletic competitions designated only for participants of the female sex.

2.1 (c) Nothing in this section shall be construed to restrict the eligibility of any student to
2.2 participate on any athletic teams or in athletic competitions that are designated as male or
2.3 coed.

2.4 (d) An agency or political subdivision of the state and an accrediting organization or
2.5 athletic association that operates or has business activities in this state must not process a
2.6 complaint, begin an investigation, or take any other adverse action against a school or school
2.7 district for maintaining separate single-sex interscholastic athletic teams or sports.

2.8 Subd. 2. **Private cause of action.** (a) A participant who is deprived of an athletic
2.9 opportunity or suffers direct or indirect harm because of a violation of this section has a
2.10 private cause of action for injunctive relief, damages, and any other relief available against
2.11 the school, school district, interscholastic conference, or the Minnesota State High School
2.12 League.

2.13 (b) A participant who is subject to retaliation or other adverse action by a school, school
2.14 district, interscholastic conference, or the Minnesota State High School League because of
2.15 reporting a violation of this section has a private cause of action for injunctive relief,
2.16 damages, and any other relief available against the entity that takes the retaliatory or other
2.17 adverse action.

2.18 (c) A school or school district that suffers any direct or indirect harm because of a
2.19 violation of subdivision 1, paragraph (d), has a private cause of action for injunctive relief,
2.20 damages, and any other relief available against the agency, political subdivision, accrediting
2.21 organization, or athletic association that violates that subdivision.

2.22 (d) A civil action brought because of a violation of this section must be initiated within
2.23 two years after the date on which the violation occurred. A person or organization who
2.24 prevails on a claim brought under this section is entitled to monetary damages, including
2.25 for any psychological, emotional, or physical harm suffered; reasonable attorney fees and
2.26 costs; and any other appropriate relief.

2.27 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

2.28 Sec. 2. **[145.99] DEFINITIONS.**

2.29 Subdivision 1. **Definitions.** The definitions in this section apply to sections 145.99 to
2.30 145.995.

2.31 Subd. 2. **Biological sex; birth sex; sex.** "Biological sex," "birth sex," and "sex" mean
2.32 the biological indication of male and female, including sex chromosomes, naturally occurring

3.1 sex hormones, gonads, and internal and external genitalia present at birth, without regard
3.2 to an individual's psychological, chosen, or subjective experience of gender.

3.3 Subd. 3. **Cross-sex hormone.** "Cross-sex hormone" means testosterone, estrogen, or
3.4 progesterone given to a minor individual in an amount greater than would normally be
3.5 produced endogenously in a healthy individual of the minor individual's age and sex.

3.6 Subd. 4. **Gender reassignment surgery.** "Gender reassignment surgery" means any
3.7 surgery performed for the purpose of assisting an individual with gender transition that
3.8 seeks to surgically alter or remove healthy physical or anatomical characteristics or features
3.9 that are typical for the individual's biological sex in order to instill or create physiological
3.10 or anatomical characteristics that resemble a sex different from the individual's birth sex,
3.11 including genital or nongenital gender reassignment surgery.

3.12 Subd. 5. **Gender-related condition.** "Gender-related condition" means any condition
3.13 where an individual feels an incongruence between the individual's gender identity and
3.14 biological sex. "Gender-related condition" includes gender dysphoria.

3.15 Subd. 6. **Gender transition.** "Gender transition" means the process in which an individual
3.16 transitions from identifying with and living as a gender that corresponds to the individual's
3.17 biological sex to identifying with and living as a gender different from the individual's
3.18 biological sex, including social, legal, or physical changes.

3.19 Subd. 7. **Gender transition services.** "Gender transition services" means any medical
3.20 or surgical service, including physician services, inpatient and outpatient hospital services,
3.21 or prescription drugs or hormones provided for the purpose of assisting an individual with
3.22 gender transition that seeks to alter or remove physical or anatomical characteristics or
3.23 features that are typical for the individual's biological sex, or to instill or create physiological
3.24 or anatomical characteristics that resemble a sex different from the individual's birth sex,
3.25 including medical services that provide puberty-blocking drugs, cross-sex hormones, or
3.26 other mechanisms to promote the development of feminizing or masculinizing features in
3.27 the opposite sex, or genital or nongenital gender reassignment surgery.

3.28 Subd. 8. **Genital gender reassignment surgery.** "Genital gender reassignment surgery"
3.29 means surgery performed for the purpose of assisting an individual with gender transition
3.30 and includes both of the following:

3.31 (1) surgeries that sterilize, such as castration, vasectomy, hysterectomy, oophorectomy,
3.32 orchiectomy, and penectomy; and

4.1 (2) surgeries that artificially construct tissue with the appearance of genitalia that differs
4.2 from the individual's biological sex, such as metoidioplasty, phalloplasty, and vaginoplasty.

4.3 Subd. 9. **Mental health professional.** "Mental health professional" means an individual
4.4 providing clinical services in the treatment of mental illness who meets one of the
4.5 qualifications under section 245I.04, subdivision 2.

4.6 Subd. 10. **Minor individual.** "Minor individual" means an individual under 18 years of
4.7 age.

4.8 Subd. 11. **Nongenital gender reassignment surgery.** "Nongenital gender reassignment
4.9 surgery" means surgery performed for the purpose of assisting an individual with gender
4.10 transition such as augmentation mammoplasty, facial feminization surgery, liposuction,
4.11 lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, pectoral implants,
4.12 or other aesthetic procedures.

4.13 Subd. 12. **Physician.** "Physician" means an individual licensed to practice medicine by
4.14 the board of medical practice pursuant to chapter 147.

4.15 Subd. 13. **Puberty-blocking drugs.** "Puberty-blocking drugs" means
4.16 gonadotropin-releasing hormone analogs or other synthetic drugs used to stop luteinizing
4.17 hormone and follicle stimulating hormone secretion, synthetic antiandrogen drugs used to
4.18 block the androgen receptor, or any drug to delay or suppress normal puberty.

4.19 Sec. 3. **[145.991] PROHIBITIONS ON GENDER REASSIGNMENT SURGERY**
4.20 **AND CERTAIN PRESCRIPTIONS FOR MINOR INDIVIDUALS.**

4.21 (a) A physician must not knowingly do any of the following:

4.22 (1) perform gender reassignment surgery on a minor individual;

4.23 (2) prescribe a cross-sex hormone or puberty-blocking drug for a minor individual for
4.24 the purpose of assisting the minor individual with gender transition; and

4.25 (3) engage in conduct that aids or abets in the practices described in clause (1) or (2),
4.26 provided that this section may not be construed to impose liability on any speech protected
4.27 by federal or state law.

4.28 (b) Notwithstanding paragraph (a), clause (2), of this section, a physician may continue
4.29 to prescribe a cross-sex hormone or puberty-blocking drug to a minor individual if the minor
4.30 individual has been a continuous Minnesota resident since the effective date of this section
4.31 and the physician has done both of the following:

5.1 (1) initiated a course of treatment for the minor individual prior to the effective date of
5.2 this section that includes the prescription of a cross-sex hormone or puberty-blocking drug
5.3 prohibited by paragraph (a), clause (2); and

5.4 (2) determined and documented in the minor individual's medical record that terminating
5.5 the minor individual's prescription for the cross-sex hormone or puberty-blocking drug
5.6 would cause harm to the minor individual.

5.7 **Sec. 4. [145.992] MENTAL HEALTH SERVICE PROVISION REQUIREMENTS.**

5.8 (a) Notwithstanding section 144.3431, a mental health professional must not diagnose
5.9 or treat a minor individual, except if the minor is a person having the status of a legally
5.10 emancipated minor, who presents for the diagnosis or treatment of a gender-related condition
5.11 without first obtaining the consent of one of the following:

5.12 (1) at least one parent of the minor individual;

5.13 (2) at least one legal custodian of the minor individual; or

5.14 (3) the minor individual's guardian.

5.15 (b) No mental health professional shall diagnose or treat a minor individual without the
5.16 consent required in paragraph (a) who presents for the diagnosis or treatment of a
5.17 gender-related condition without screening the minor individual for both of the following
5.18 during the course of diagnosis and treatment:

5.19 (1) other comorbidities that may be influencing the minor individual's gender-related
5.20 condition, including depression, anxiety, attention deficit hyperactivity disorder, autism
5.21 spectrum disorder, and other mental health conditions; and

5.22 (2) physical, sexual, mental, and emotional abuse and other traumas.

5.23 **Sec. 5. [145.993] EXCEPTIONS.**

5.24 Sections 145.99 to 145.995 do not prohibit a physician from treating, including by
5.25 performing surgery on or prescribing drugs or hormones for, a minor individual who meets
5.26 any of the following:

5.27 (1) was born with a medically verifiable disorder of sex development, including an
5.28 individual with external biological sex characteristics that are irresolvably ambiguous, such
5.29 an as individual born with 46 XX chromosomes with virilization, 46 XY chromosomes with
5.30 undervirilization, or having both ovarian and testicular tissue;

6.1 (2) received a diagnosis of a disorder of sexual development, in which a physician has
6.2 determined through genetic or biochemical testing that the individual does not have normal
6.3 sex chromosome structure, sex steroid hormone production, or sex steroid hormone action
6.4 for a biological male or biological female; or

6.5 (3) needs treatment for any infection, injury, disease, or disorder that has been caused
6.6 or exacerbated by the performance of gender transition services, whether or not the services
6.7 were performed in accordance with state or federal law.

6.8 **Sec. 6. [145.994] PENALTIES; ENFORCEMENT.**

6.9 (a) A violation of sections 145.99 to 145.995 is unprofessional conduct and is subject
6.10 to discipline by the Board of Medical Practice under chapter 147.

6.11 (b) Nothing in sections 145.99 to 145.995 shall be construed to preempt any other private
6.12 cause of action arising under the common law of this state.

6.13 (c) The attorney general may bring an action to enforce compliance with section 145.991
6.14 or 145.992. Nothing in sections 145.99 to 145.995 shall be construed to deny, impair, or
6.15 otherwise affect any right or authority of the attorney general, the state, or any agency,
6.16 officer, or employee of the state, acting under any provision of Minnesota Statutes, to
6.17 institute or intervene in any proceeding.

6.18 **Sec. 7. [145.995] MEDICAL ASSISTANCE PROHIBITION.**

6.19 Medical assistance under chapter 256B must not include coverage for gender transition
6.20 services for minor individuals. This section does not apply to any of the following:

6.21 (1) the circumstances described in section 145.993;

6.22 (2) mental health services provided for a gender-related condition; and

6.23 (3) any services that are not gender transition services.

6.24 **Sec. 8. Minnesota Statutes 2022, section 518.17, is amended by adding a subdivision to**
6.25 **read:**

6.26 **Subd. 7. Gender transition services. When determining issues of custody or parenting**
6.27 **time, a court shall not deny or limit a parent's rights, responsibilities, or parenting time based**
6.28 **on a parent's decision to:**

6.29 **(1) refer to and raise the child in a manner consistent with the child's biological sex;**

7.1 (2) decline to consent to the child receiving gender transition services as defined in
7.2 section 145.99;

7.3 (3) decline to consent to the child receiving counseling or other mental health services
7.4 for the purpose of affirming the child's perception of the child's gender or sex, if the child's
7.5 perception is inconsistent with the child's biological sex.

7.6 **Sec. 9. SAVE WOMEN'S SPORTS ACT.**

7.7 Subdivision 1. **Definition.** "Postsecondary institution" means:

7.8 (1) an institution governed by the Board of Trustees of the Minnesota State Colleges
7.9 and Universities; and

7.10 (2) a private postsecondary institution with a campus located in Minnesota and is an
7.11 eligible institution as defined in Minnesota Statutes, section 136A.103.

7.12 Postsecondary institutions governed by the Board of Regents of the University of Minnesota
7.13 are requested to comply with this section.

7.14 Subd. 2. **Requirements; causes of action.** (a) Each postsecondary institution that is a
7.15 member of the National Collegiate Athletics Association, the National Association of
7.16 Intercollegiate Athletics, or the National Junior College Association shall designate
7.17 intercollegiate athletic teams and sports based on the sex of the participants as follows:

7.18 (1) separate teams for participants of the female sex within female sports divisions;

7.19 (2) separate teams for participants of the male sex within male sports divisions; and

7.20 (3) if applicable, coed teams for participants of the female and male sexes within coed
7.21 sports divisions.

7.22 (b) No postsecondary institution to which paragraph (a) applies shall knowingly allow
7.23 individuals of the male sex to participate on athletic teams or in athletic competitions
7.24 designated for only participants of the female sex.

7.25 (c) Nothing in this section shall be construed to restrict the eligibility of any student to
7.26 participate on any athletic teams or in athletic competitions that are designated as male or
7.27 coed.

7.28 (d) No agency or political subdivision of the state and no accrediting organization or
7.29 athletic association that operates or has business activities in this state shall process a
7.30 complaint, begin an investigation, or take any other adverse action against a postsecondary

8.1 institution for maintaining separate single-sex intercollegiate athletic teams or sports for
8.2 participants of the female sex.

8.3 (e) Any participant who is deprived of an athletic opportunity or suffers direct or indirect
8.4 harm as a result of a violation of this section has a private cause of action for injunctive
8.5 relief, damages, and any other relief available against the postsecondary institution.

8.6 (f) Any participant who is subject to retaliation or other adverse action by a postsecondary
8.7 institution or athletic association as a result of reporting a violation of this section has a
8.8 private cause of action for injunctive relief, damages, and any other relief available against
8.9 the entity that takes the retaliatory or other adverse action.

8.10 (g) Any postsecondary institution that suffers any direct or indirect harm as a result of
8.11 a violation of this section has a private cause of action for injunctive relief, damages, and
8.12 any other relief available against the agency, political subdivision, accrediting organization,
8.13 or athletic association that violates this section.

8.14 (h) Any civil action brought as a result of a violation of this section shall be initiated
8.15 within two years after the date on which the violation occurred. Persons or organizations
8.16 who prevail on a claim brought pursuant to this section shall be entitled to monetary damages,
8.17 including for any psychological, emotional, or physical harm suffered, reasonable attorney
8.18 fees and costs, and any other appropriate relief.