256G.03 ESTABLISHING RESIDENCE.

Subdivision 1. **State residence.** For purposes of this chapter, a resident of any Minnesota county is considered a state resident.

Subd. 2. **No durational test.** Except as otherwise provided in sections 142G.12; 142G.78; 256B.056, subdivision 1; and 256D.02, subdivision 12a, for purposes of this chapter, no waiting period is required before securing county or state residence. A person cannot, however, gain residence while physically present in an excluded time facility unless otherwise specified in this chapter or in a federal regulation controlling a federally funded human service; children, youth, and families; or direct care and treatment program. Interstate migrants who enter a shelter for domestic abuse victims directly from another state can gain residency while in the facility provided the person can provide documentation that the person is a victim of domestic abuse and the county determines that the placement is appropriate.

Subd. 3. **Use of Code of Federal Regulations.** In the event that federal legislation eliminates the federal regulatory basis for medical assistance, the state shall continue to determine eligibility for Minnesota's medical assistance program using the provisions of Code of Federal Regulations, title 42, as construed on the day prior to their federal repeal, except as expressly superseded in chapter 256B, or as superseded by federal law, or as modified by state rule or by regulatory waiver granted to the state.

History: *1987 c 363 s 3; 1989 c 282 art 5 s 114; 1996 c 451 art 2 s 45; 1997 c 85 art 3 s 50; 1999 c 159 s 76; 1Sp2003 c 14 art 1 s 106; 2016 c 158 art 1 s 141; 2024 c 79 art 3 s 11; 2024 c 80 art 7 s 12; 2025 c 21 s 52; 2026 c 97 art 1 s 15*