July 1, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai‘i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 1, 2016, the following bill was signed into law:

SB2886 SD2 HD2 CD1 RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES ACT 181 (16)

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai‘i
A BILL FOR AN ACT

RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 577, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§577- Mental health services relating to minors; diagnosis, counseling, and related activities. (a) Notwithstanding any other law to the contrary, a minor who is fourteen years of age or older may consent to mental health treatment or counseling services provided by a licensed mental health professional if, in the opinion of the licensed mental health professional, the minor is mature enough to participate intelligently in the mental health treatment or counseling services; provided that the consent of the minor's parent or legal guardian shall be required to prescribe medication to the minor or to place the minor into an out-of-home or residential treatment program.

(b) The mental health treatment or counseling services provided to a minor as authorized by this section shall include
involvement of the minor's parent or legal guardian, unless the
licensed mental health professional, after consulting with the
minor, determines that the involvement would be inappropriate.
The licensed mental health professional shall state in the
client record whether and when the treating clinician attempted
to contact the minor's parent or legal guardian, and whether the
try to contact was successful or unsuccessful, or the reason
why, in the treating licensed mental health professional's
opinion, it would be inappropriate to contact the minor's parent
or guardian.

(c) A minor may not abrogate consent provided by a parent
or legal guardian on the minor's behalf. A parent or legal
guardian may not abrogate consent given by the minor on the
minor's own behalf.

(d) If a minor consents to receive mental health treatment
or counseling services pursuant to this section, the minor shall
not be liable for payment.

(e) The minor's parent or legal guardian is not liable for
payment for mental health treatment or counseling services
provided pursuant to this section unless the parent or guardian
participates in the mental health treatment or counseling
services, and then only for services rendered with the participation of the parent or guardian.

(f) As used in this section:

"Mental health treatment or counseling services" means the provision of outpatient mental health treatment or counseling by a licensed mental health professional.

"Licensed mental health professional" means any of the following:

(1) A person licensed as a mental health counselor pursuant to chapter 453D;

(2) A person licensed as a marriage and family therapist pursuant to chapter 451J;

(3) A clinical social worker licensed pursuant to chapter 467E;

(4) A person licensed as a psychologist pursuant to chapter 465; or

(5) A board certified, or board eligible, licensed psychiatrist."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2016.

APPROVED this 1 day of JUL, 2016

[Signature]

GOVERNOR OF THE STATE OF HAWAII