A BILL FOR AN ACT

RELATING TO MEDICAL CARE FOR MINORS.

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

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

"§577A- HIV medical care relating to minors. (a) Notwithstanding any other law to the contrary, a minor who may have come into contact with the human immunodeficiency virus (HIV) may consent to medical care related to the diagnosis or treatment of HIV provided by a licensed health care provider. (b) A minor may consent to medical care related to the prevention of HIV. (c) 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 medical care or preventive care pursuant to this section, the minor shall not be liable for payment. (e) As used in this section:
"Health care provider" means an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of the individual's business or profession."

SECTION 2. Section 577A-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"Sexually transmitted infection" means an infection that is commonly transmitted through sexual contact, including, but not limited to, human immunodeficiency virus infection."

2. By amending the definition of "medical care and services" to read:

"Medical care and services" means the diagnosis, examination, and administration of medication in the prevention or treatment of [venereal diseases] sexually transmitted infection, pregnancy, and family planning services. It shall not include surgery or any treatment to induce abortion."

SECTION 3. Section 577A-2, Hawaii Revised Statutes, is amended to read as follows:
"§577A-2 Consent valid. The consent to the provision of medical care and services by public and private hospitals or public and private clinics, or the performance of medical care and services by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7, when executed by a female minor who is or professes to be pregnant, or by a minor who is or professes to be [afflicted with a venereal disease,] infected with, or to have been exposed to, a sexually transmitted infection, or a minor seeking family planning services shall be valid and binding as if the minor had achieved his or her majority as the case may be; that is, a female minor who is, or professes to be pregnant, or a minor who is, or professes to be [afflicted with a venereal disease,] infected with, or to have been exposed to, a sexually transmitted infection, or a minor seeking family planning services shall be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of such consent to such hospitals and such clinics or medical care and services to be provided by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7, as a person of full legal age and
capacity, the infancy of the minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person or persons (including, but not limited to a spouse, parent, custodian, or guardian) shall be necessary in order to authorize such hospitals or such clinics or medical care and services provided by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7, to such a minor."

SECTION 4. Section 577A-3, Hawaii Revised Statutes, is amended to read as follows:

"§577A-3 Providing information. Public and private hospitals, or public and private clinics or physicians licensed to practice medicine or advanced practice registered nurses as defined in section 457-2.7 may, at the discretion of the treating physician or advanced practice registered nurse, inform the spouse, parent, custodian, or guardian of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to such care and services after consulting with the minor patient to whom such medical care and services have been provided under this chapter."
If the minor patient is not diagnosed as being pregnant or
[afflicted with [a] venereal disease,] having a sexually
transmitted infection, such information as well as the
application for diagnosis may be disclosed, at the discretion of
the treating physician or advanced practice registered nurse
after consulting with the minor patient."

SECTION 5. Section 577A-2, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

"§577A-4 Financial responsibility; counseling. (a) If a
minor consents to receive medical care and services, the spouse,
parent, custodian, or guardian of the minor patient shall not be
liable for the legal obligations resulting from the furnishing
of medical care and services provided by the public and private
hospital, public and private clinic or physician licensed to
practice medicine, or advanced practice registered nurse as
defined in section 457-2.7. A minor who consents to the
provision of medical care and services under this section shall
assume financial responsibility for the costs of such medical
care and services[.]; provided that a minor who consents to
receive medical care and services related to the treatment or
prevention of HIV pursuant to this section, shall not be liable
3.3. for payment. Any other law to the contrary notwithstanding, no
spouse, parent, custodian, or guardian whose consent has not
been obtained or who has no prior knowledge that the minor has
consented to the provision of such medical care and services
shall be liable for the costs incurred by virtue of the minor's
consent."

SECTION 6. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.
Report Title:
Minors; Medical Care; HIV; Consent; Prevention; Treatment

Description:
Permits minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.