

1 ENGROSSED SENATE
2 BILL NO. 1225

By: Bullard and Jett of the
Senate

3 and

4 Crosswhite Hader of the
5 House

6
7 [health care - parental consent to medical treatment
8 of minors - minor self-consent to health services -
effective date]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 25 O.S. 2021, Section 2004, is
12 amended to read as follows:

13 Section 2004. A. Except as otherwise provided by law, no
14 person, corporation, association, organization, state-supported
15 institution, or individual employed by any of these entities may
16 procure:

17 1. Procure, solicit to perform, arrange for the performance of,
18 perform surgical procedures, or perform a physical examination upon
19 a minor ~~or prescribe;~~

20 2. Prescribe, dispense, or administer any prescription drugs or
21 devices including but not limited to contraceptive drugs or devices
22 to a minor except as provided by Section 2602 of Title 63 of the
23 Oklahoma Statutes;

24 3. Administer any vaccination to a minor; or

1 4. Provide family planning counseling to a minor except as
2 provided by Section 2602 of Title 63 of the Oklahoma Statutes,
3 without first obtaining a written consent of a parent or legal
4 guardian of the minor. Provided, however, that if written consent
5 is provided to a school district for assessment or treatment, such
6 consent shall be effective for the school year for which it is
7 granted and shall be renewed each subsequent school year. If an
8 assessment or treatment is performed through telemedicine at a
9 school site and if consent has been provided by the parent and is
10 currently effective, the health professional shall not be required
11 to verify that the parent is at the site.

12 B. Except as otherwise provided by law, no hospital as defined
13 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit
14 surgical procedures to be performed upon a minor in its facilities
15 without first having received a written consent from a parent or
16 legal guardian of the minor.

17 C. The provisions of this section shall not apply when it has
18 been determined by a physician that an emergency exists and that it
19 is necessary to perform such surgical procedures for the treatment
20 of an injury, illness or drug abuse, or to save the life of the
21 patient, or when such parent or other adult authorized by law to
22 consent on behalf of a minor cannot be located or contacted after a
23 reasonably diligent effort.

24

1 D. The provisions of this section shall not apply to an
2 abortion, which shall be governed by the provisions of Sections 1-
3 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
4 of the Oklahoma Statutes or any successor statute.

5 E. A person who violates a provision of this section is guilty
6 of a misdemeanor, punishable by a fine ~~of~~ not more than One Thousand
7 Dollars (\$1,000.00) or imprisonment ~~of~~ not more than one (1) year in
8 the county jail, or by both such fine and imprisonment.

9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2602, is
10 amended to read as follows:

11 Section 2602. A. Notwithstanding any other provision of law,
12 the following minors may consent to have health services provided by
13 health professionals in the following cases:

14 1. Any minor who is married, has a dependent child or is
15 emancipated;

16 2. Any minor who is separated from his or her parents or legal
17 guardian for whatever reason and is not supported by his or her
18 parents or guardian;

19 3. Any minor who is or has been ~~pregnant, afflicted~~ diagnosed
20 with ~~any reportable communicable disease,~~ drug and or substance
21 abuse or abusive use of alcohol; ~~provided, however, that such.~~

22 a. Such self-consent only applies to the prevention,
23 diagnosis and treatment of those conditions specified
24 in this ~~section~~ paragraph.

1 b. Any health professional who accepts the responsibility
2 of providing such health services also assumes the
3 obligation to provide counseling for the minor by a
4 health professional.

5 c. If the minor is found not to be ~~pregnant nor~~ suffering
6 from ~~a communicable disease nor~~ drug or substance
7 abuse nor abusive use of alcohol, the health
8 professional shall not reveal any information
9 whatsoever to the spouse, parent or legal guardian,
10 without the consent of the minor;

11 4. Any minor who is or has been pregnant.

12 a. Such self-consent only applies to the prevention,
13 diagnosis, and treatment of the condition specified in
14 this paragraph which may include but not be limited to
15 the receipt of contraceptive drugs, devices, or
16 services or family planning counseling, except as
17 provided by subparagraph b of this paragraph.

18 b. Such self-consent does not apply to:

- 19 (1) any family planning counseling that includes
20 discussion of abortion, which shall require the
21 consent of the parent or legal guardian as
22 provided by subsection C of this section, or
23 (2) any minor who has not yet been pregnant, for
24 which the consent of the parent or legal guardian

1 to any prevention, diagnosis, or treatment
2 services described in this paragraph including
3 but not limited to contraceptive drugs, devices,
4 or services or family planning counseling shall
5 be obtained as provided by subsection C of this
6 section.

7 c. Any health professional who accepts the responsibility
8 of providing prevention, diagnosis, or treatment
9 services also assumes the obligation to provide
10 counseling for the minor by a health professional,
11 subject to the limitations provided by subparagraph b
12 of this paragraph and paragraph 2 of subsection C of
13 this section.

14 d. Except for the services described in division 1 of
15 subparagraph b of this paragraph and except in the
16 case of a minor described in division 2 of
17 subparagraph b of this paragraph, if the minor is
18 found not to be pregnant, the health professional
19 shall not reveal any information whatsoever to the
20 spouse, parent, or legal guardian, without the consent
21 of the minor;

22 5. Any minor who is or has been diagnosed with any reportable
23 communicable disease.

1 a. Such self-consent only applies to the prevention,
2 diagnosis, and treatment of the condition specified in
3 this paragraph.

4 b. Such self-consent does not apply to the receipt of any
5 vaccine, which shall require the consent of the parent
6 or legal guardian as provided by subsection C of this
7 section.

8 c. Any health professional who accepts the responsibility
9 of providing prevention, diagnosis, or treatment
10 services also assumes the obligation to provide
11 counseling for the minor by a health professional.

12 d. Except for the service described in subparagraph b of
13 this paragraph, if the minor is found not to be
14 suffering from a communicable disease, the health
15 professional shall not reveal any information
16 whatsoever to the spouse, parent, or legal guardian,
17 without the consent of the minor;

18 6. Any minor parent as to his or her child;

19 ~~5.~~ 7. Any spouse of a minor when the minor is unable to give
20 consent by reason of physical or mental incapacity;

21 ~~6.~~ 8. Any minor who by reason of physical or mental capacity
22 cannot give consent and has no known relatives or legal guardian, if
23 two physicians agree on the health service to be given;

1 ~~7.~~ 9. Any minor in need of emergency services for conditions
2 which will endanger ~~his~~ the health or life of the minor if delay
3 would result by obtaining consent from ~~his~~ the spouse, parent or
4 legal guardian of the minor; provided, however, that the prescribing
5 of any medicine or device for the prevention of pregnancy shall not
6 be considered such an emergency service; or

7 ~~8.~~ 10. Any minor who is the victim of sexual assault; provided,
8 however, that such self-consent only applies to a forensic medical
9 examination by a qualified licensed health care professional.

10 B. If any minor falsely represents that he or she may give
11 consent and a health professional provides health services in good
12 faith based upon that misrepresentation, the minor shall receive
13 full services without the consent of the minor's parent or legal
14 guardian and the health professional shall incur no liability except
15 for negligence or intentional harm. Consent of the minor shall not
16 be subject to later disaffirmance or revocation because of his or
17 her minority.

18 ~~B. C.~~ 1. The health professional shall ~~be required to~~ make a
19 reasonable attempt to inform the spouse, parent or legal guardian of
20 the minor of any treatment needed or provided in the emergency
21 circumstances described under paragraph ~~7~~ 9 of subsection A of this
22 section.

23 2. Except in the case of a minor who meets the criteria
24 provided by paragraph 1 or 2 of subsection A of this section and

1 except in the case of a minor who is or has been pregnant as
2 provided by paragraph 4 of subsection A of this section, the health
3 professional shall obtain the consent of the parent or legal
4 guardian of the minor before providing contraceptive drugs, devices,
5 or services or family planning counseling to the minor. Except in
6 the case of a minor who meets the criteria provided by paragraph 1
7 or 2 of subsection A of this section, the health professional shall
8 obtain the consent of the parent or legal guardian of the minor
9 before providing counseling regarding abortion to any minor
10 regardless of whether the minor is or has been pregnant.

11 3. Except in the case of a minor who meets the criteria
12 provided by paragraph 1 or 2 of subsection A of this section, the
13 health professional shall obtain the consent of the parent or legal
14 guardian of the minor before administering any vaccination to a
15 minor.

16 4. In all other instances the health professional may, but
17 shall not be required, to inform the spouse, parent or legal
18 guardian of the minor of any treatment needed or provided. The
19 judgment of the health professional as to notification shall be
20 final, and his.

21 5. The disclosure of the health professional shall not
22 constitute libel, slander, the breach of the right of privacy, the
23 breach of the rule of privileged communication or result in any
24 other breach that would incur liability.

