

1 **SENATE FLOOR VERSION**

2 March 1, 2022

3 SENATE BILL NO. 1225

By: Bullard

4
5 An Act relating to health care; amending 25 O.S.
6 2021, Section 2002, which relates to parental rights;
7 removing certain condition on parental access to
8 medical records of minor child; amending 25 O.S.
9 2021, Section 2004, which relates to consent to
10 medical treatment of minors; broadening applicability
11 of certain requirement; amending 63 O.S. 2021,
12 Section 2602, which relates to minor self-consent to
13 health services; providing certain exception;
14 requiring parental consent for certain health
15 services; making language gender neutral; and
16 providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 25 O.S. 2021, Section 2002, is
19 amended to read as follows:

20 Section 2002. A. All parental rights are reserved to a parent
21 of a minor child without obstruction or interference from this
22 state, any political subdivision of this state, any other
23 governmental entity or any other institution, including, but not
24 limited to, the following rights:

1. The right to direct the education of the minor child;

2. All rights of parents identified in Title 70 of the Oklahoma
Statutes, including the right to access and review all school
records relating to the minor child;

- 1 3. The right to direct the upbringing of the minor child;
- 2 4. The right to direct the moral or religious training of the
3 minor child;
- 4 5. The right to make healthcare decisions for the minor child,
5 unless otherwise prohibited by law;
- 6 6. The right to access and review all medical records of the
7 minor child unless ~~otherwise prohibited by law or~~ the parent is the
8 subject of an investigation of a crime committed against the minor
9 child and a law enforcement official requests that the information
10 not be released;
- 11 7. The right to consent in writing before a biometric scan of
12 the minor child is made, shared or stored;
- 13 8. The right to consent in writing before any record of the
14 minor child's blood or deoxyribonucleic acid (DNA) is created,
15 stored or shared, except as required by Sections 1-516 and 1-524.1
16 of Title 63 of the Oklahoma Statutes, or unless authorized pursuant
17 to a court order;
- 18 9. The right to consent in writing before the state or any of
19 its political subdivisions makes a video or voice recording of the
20 minor child, unless the video or voice recording is made during or
21 as a part of a court proceeding, by law enforcement officers during
22 or as part of a law enforcement investigation, during or as part of
23 a forensic interview in a criminal or Department of Human Services
24 investigation or to be used solely for any of the following:

- a. safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles,
- b. a purpose related to a legitimate academic or extracurricular activity,
- c. a purpose related to regular classroom instruction,
- d. security or surveillance of buildings or grounds, and
- e. a photo identification card; and

10. The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or Department of Human Services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

B. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section shall not be construed to apply to a parental action or decision that would end

1 life. This section does not prohibit courts, law enforcement
2 officers or employees of a government agency responsible for child
3 welfare from acting in their official capacity within the reasonable
4 and prudent scope of their authority. This section does not
5 prohibit a court from issuing an order that is otherwise permitted
6 by law.

7 C. Any attempt to encourage or coerce a minor child to withhold
8 information from the child's parent shall be grounds for discipline
9 of an employee of this state, any political subdivision of this
10 state or any other governmental entity, except for law enforcement
11 personnel.

12 D. Unless those rights have been legally waived or legally
13 terminated, parents have inalienable rights that are more
14 comprehensive than those listed in this section. The Parents' Bill
15 of Rights does not prescribe all rights of parents. Unless
16 otherwise required by law, the rights of parents of minor children
17 shall not be limited or denied. The Parents' Bill of Rights shall
18 not be construed to apply to a parental action or decision that
19 would end life.

20 SECTION 2. AMENDATORY 25 O.S. 2021, Section 2004, is
21 amended to read as follows:

22 Section 2004. A. Except as otherwise provided by law, no
23 person, corporation, association, organization, state-supported
24 institution, or individual employed by any of these entities may

1 procure, solicit to perform, arrange for the performance of, perform
2 surgical procedures, or perform a physical examination upon a minor
3 or prescribe any prescription drugs to a minor or administer any
4 vaccination to a minor without first obtaining a written consent of
5 a parent or legal guardian of the minor. Provided, however, that if
6 written consent is provided to a school district for assessment or
7 treatment, such consent shall be effective for the school year for
8 which it is granted and shall be renewed each subsequent school
9 year. If an assessment or treatment is performed through
10 telemedicine at a school site and if consent has been provided by
11 the parent and is currently effective, the health professional shall
12 not be required to verify that the parent is at the site.

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

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

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 3. 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 parents or legal
17 guardian for whatever reason and is not supported by his parents or
18 guardian;

19 3. Any minor who is or has been pregnant, afflicted with any
20 reportable communicable disease, drug and substance abuse or abusive
21 use of alcohol; provided, however, that such self-consent only
22 applies to the prevention, diagnosis and treatment of those
23 conditions specified in this section; provided, further, however,
24 that such self-consent does not apply to the receipt of

1 contraception or family planning counseling. Any health
2 professional who accepts the responsibility of providing such health
3 services also assumes the obligation to provide counseling for the
4 minor by a health professional. If the minor is found not to be
5 pregnant nor suffering from a communicable disease nor drug or
6 substance abuse nor abusive use of alcohol, the health professional
7 shall not reveal any information whatsoever to the spouse, parent or
8 legal guardian, without the consent of the minor;

9 4. Any minor parent as to his child;

10 5. Any spouse of a minor when the minor is unable to give
11 consent by reason of physical or mental incapacity;

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

15 7. Any minor in need of emergency services for conditions which
16 will endanger ~~his~~ the health or life of the minor if delay would
17 result by obtaining consent from ~~his~~ the spouse, parent or legal
18 guardian of the minor; provided, however, that the prescribing of
19 any medicine or device for the prevention of pregnancy shall not be
20 considered such an emergency service; or

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

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1 B. If any minor falsely represents that ~~he~~ the minor may give
2 consent and a health professional provides health services in good
3 faith based upon that misrepresentation, the minor shall receive
4 full services without the consent of the minor's parent or legal
5 guardian and the health professional shall incur no liability except
6 for negligence or intentional harm. Consent of the minor shall not
7 be subject to later disaffirmance or revocation because of ~~his~~
8 minority of the minor.

9 ~~B.~~ C. 1. The health professional shall ~~be required to~~ make a
10 reasonable attempt to inform the spouse, parent or legal guardian of
11 the minor of any treatment needed or provided in the emergency
12 circumstances described under paragraph 7 of subsection A of this
13 section. The judgment of the health professional as to notification
14 shall be final.

15 2. Except in the case of a minor who meets the criteria
16 provided by paragraph 1 or 2 of subsection A of this section, the
17 health professional shall obtain the consent of the parent or legal
18 guardian of the minor before providing contraceptive services or
19 family planning counseling to the minor or administering any
20 vaccination to a minor.

21 3. In all other instances the health professional may, but
22 shall not be required, to inform the spouse, parent or legal
23 guardian of the minor of any treatment needed or provided. The
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1 judgment of the health professional as to notification shall be
2 final, ~~and his.~~

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

7 D. Information about the minor obtained through care by a
8 health professional under the provisions of this act shall not be
9 disseminated to any health professional, school, law enforcement
10 agency or official, court authority, government agency or official
11 employer, without the consent of the minor, except through specific
12 legal requirements or if the giving of the information is necessary
13 to the health of the minor and public. Statistical reporting may be
14 done when the minor's identity is kept confidential.

15 E. The health professional shall not incur criminal liability
16 for action under the provisions of this act except for negligence or
17 intentional harm.

18 SECTION 4. This act shall become effective November 1, 2022.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
20 March 1, 2022 - DO PASS

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