



GOV. MSG. NO. 786

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 23, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 23, 2007, the following bill was signed into law:

HB528 HD2

A BILL FOR AN ACT RELATING TO MINORS.
(ACT 035)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

1 not under the care, supervision, or control of a parent,
2 custodian, or legal guardian.

3 "Primary medical care and services" means health services
4 that include screening, counseling, immunizations, medication,
5 and treatment of illnesses and medical conditions customarily
6 provided by licensed health care practitioners in an outpatient
7 setting. As used in this chapter, "primary medical care and
8 services" does not include invasive care, such as surgery, that
9 goes beyond standard injections, laceration care, or treatment
10 of simple abscesses.

11 § -2 Consent to primary medical care and services. (a)

12 A licensed health care practitioner may provide primary medical
13 care and services to a minor who consents to the primary medical
14 care and services if the physician reasonably believes that:

15 (1) The minor understands the significant benefits and
16 risks of the proposed primary medical care and
17 services and can communicate an informed consent;

18 (2) The primary medical care and services are for the
19 minor's benefit; and

20 (3) The minor is a "minor without support", as defined in
21 section -1.

1 (b) Any consent given under this section shall be valid
2 and binding as if the minor had reached the age of majority and
3 the minor shall be deemed to have, and shall have the same legal
4 capacity to act, and the same legal obligations with regard to
5 the giving of an informed consent, as a person of full legal age
6 and capacity, the infancy of the minor and any contrary
7 provisions of law notwithstanding.

8 (c) The consent given under this section shall not be
9 subject to later disaffirmance by reason of the patient's
10 minority.

11 (d) No consent of any other person, including a spouse,
12 parent, custodian, or guardian, shall be necessary to authorize
13 a licensed health care practitioner to provide primary medical
14 care and services to a minor without support under this section.

15 (e) Any licensed health care practitioner who in good
16 faith renders primary medical care and services to a minor
17 without support in accordance with the requirements of
18 subsection (a) shall have immunity from any civil or criminal
19 liability based on that determination; provided that a licensed
20 health care practitioner whose determination under subsection
21 (a) is the result of gross negligence or wilful or wanton acts
22 or omissions shall be liable for damages suffered by the minor



1 resulting from the gross negligence or wilful or wanton acts or
2 omissions.

3 (f) If a minor without support consents to receive primary
4 medical care and services, the spouse, parent, custodian, or
5 guardian of the minor shall not be liable for the legal
6 obligations resulting from the primary medical care and services
7 provided by a licensed health care practitioner. A minor
8 without support who consents to the provision of primary medical
9 care and services under this chapter shall assume financial
10 responsibility for the costs of the primary medical care and
11 services. Notwithstanding any other law to the contrary, a
12 spouse, parent, custodian, or guardian whose consent has not
13 been obtained or who has no prior knowledge that a minor without
14 support has consented to the provision of primary medical care
15 and services shall not be liable for the costs incurred by
16 virtue of the minor's consent.

17 (g) No licensed health care practitioner shall be held
18 liable for treating a minor patient who has misrepresented that
19 he or she is a minor without support.

20 (h) Notwithstanding any other law to the contrary, an
21 action to recover any debt founded upon any contract,
22 obligation, or liability made pursuant to this chapter shall not



1 commence until the minor without support has reached the age of
2 majority; provided that any action shall commence within two
3 years of the date the minor reaches the age of majority.

4 (i) If a claim for primary medical care or services
5 obtained under this chapter is filed with a managed care plan or
6 health insurance plan under which a minor without support is
7 enrolled, and the minor does not want the plan to disclose
8 information regarding the claim to a spouse, parent, custodian,
9 or guardian, the minor, or the licensed health care practitioner
10 rendering the primary medical care and services on behalf of the
11 minor, shall so notify the plan prior to submitting the claim.
12 The plan may require that the request for confidential
13 communication be made in writing and that it contain a statement
14 that disclosure of all or part of the information to which the
15 request pertains could endanger the minor. The plan shall have
16 fourteen days to make any changes necessary to comply with the
17 request for confidentiality. The plan may accommodate requests
18 by the minor or the licensed health care practitioner to receive
19 communications related to the primary medical care and services
20 by alternative means or at alternative locations."

21 SECTION 3. This Act shall take effect upon its approval.



APPROVED this 23 day of APR, 2007



GOVERNOR OF THE STATE OF HAWAII