

JAN 21 2021

A BILL FOR AN ACT

RELATING TO MEDICAL CARE FOR MINORS.

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

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

4 "§577A- HIV medical care relating to minors. (a)
5 Notwithstanding any other law to the contrary, a minor who may
6 have come into contact with the human immunodeficiency virus
7 (HIV) may consent to medical care related to the diagnosis or
8 treatment of HIV provided by a licensed health care provider.

9 (b) A minor may consent to medical care related to the
10 prevention of HIV.

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

13 (d) If a minor consents to receive medical care or
14 preventive care pursuant to this section, the minor shall not be
15 liable for payment.

16 (e) As used in this section, "health care provider" means
17 an individual licensed, certified, or otherwise authorized or



1 permitted by law to provide health care in the ordinary course
2 of the individual's business or profession."

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

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

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

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

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

17 SECTION 3. Section 577A-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§577A-2 Consent valid.** The consent to the provision of
20 medical care and services by public and private hospitals or
21 public and private clinics, or the performance of medical care



1 and services by a physician licensed to practice medicine or
2 advanced practice registered nurse as defined in section
3 457-2.7, when executed by a female minor who is or professes to
4 be pregnant, or by a minor who is or professes to be [~~afflicted~~
5 ~~with a venereal disease,~~] infected with, or to have been exposed
6 to, a sexually transmitted infection, or a minor seeking family
7 planning services shall be valid and binding as if the minor had
8 achieved his or her majority as the case may be; that is, a
9 female minor who is, or professes to be pregnant, or a minor who
10 is, or professes to be [~~afflicted with a venereal disease,~~]
11 infected with, or to have been exposed to, a sexually
12 transmitted infection, or a minor seeking family planning
13 services shall be deemed to have, and shall have the same legal
14 capacity to act, and the same legal obligations with regard to
15 the giving of such consent to such hospitals and such clinics or
16 medical care and services to be provided by a physician licensed
17 to practice medicine or advanced practice registered nurse as
18 defined in section 457-2.7, as a person of full legal age and
19 capacity, the infancy of the minor and any contrary provisions
20 of law notwithstanding, and such consent shall not be subject to
21 later disaffirmance by reason of such minority; and the consent



1 of no other person or persons (including, but not limited to a
2 spouse, parent, custodian, or guardian) shall be necessary in
3 order to authorize such hospitals or such clinics or medical
4 care and services provided by a physician licensed to practice
5 medicine or advanced practice registered nurse as defined in
6 section 457-2.7, to such a minor."

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

9 **"§577A-3 Providing information.** Public and private
10 hospitals, or public and private clinics or physicians licensed
11 to practice medicine or advanced practice registered nurses as
12 defined in section 457-2.7 may, at the discretion of the
13 treating physician or advanced practice registered nurse, inform
14 the spouse, parent, custodian, or guardian of any minor patient
15 of the provision of medical care and services to the minor or
16 disclose any information pertaining to such care and services
17 after consulting with the minor patient to whom such medical
18 care and services have been provided under this chapter.

19 If the minor patient is not diagnosed as being pregnant or
20 ~~[afflicted with [a] venereal disease,]~~ having a sexually
21 transmitted infection, such information as well as the



1 application for diagnosis may be disclosed, at the discretion of
2 the treating physician or advanced practice registered nurse
3 after consulting with the minor patient."

4 SECTION 5. Section 577A-4, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) If a minor consents to receive medical care and
7 services, the spouse, parent, custodian, or guardian of the
8 minor patient shall not be liable for the legal obligations
9 resulting from the furnishing of medical care and services
10 provided by the public and private hospital, public and private
11 clinic or physician licensed to practice medicine, or advanced
12 practice registered nurse as defined in section 457-2.7. A
13 minor who consents to the provision of medical care and services
14 under this section shall assume financial responsibility for the
15 costs of such medical care and services[-]; provided that a
16 minor who consents to receive medical care and services related
17 to the treatment or prevention of HIV pursuant to this section,
18 shall not be liable for payment. Any other law to the contrary
19 notwithstanding, no spouse, parent, custodian, or guardian whose
20 consent has not been obtained or who has no prior knowledge that
21 the minor has consented to the provision of such medical care



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1 and services shall be liable for the costs incurred by virtue of
2 the minor's consent."

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

5 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "ATLS", is written over a horizontal line.

S.B. NO. 25

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. Provides that a minor, under certain circumstances, shall not be liable for payment for treatment or prevention of HIV.

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

