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# A BILL FOR AN ACT

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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 or physician assistant licensed to  
2 practice medicine, or advanced practice registered nurse as  
3 defined in section 457-2.7, when executed by a female minor who  
4 is or professes to be pregnant, or by a minor who is or  
5 professes to be ~~[afflicted with a venereal disease,]~~ infected  
6 with, or to have been exposed to, a sexually transmitted  
7 infection, or a minor seeking family planning services shall be  
8 valid and binding as if the minor had achieved ~~[his or her]~~ the  
9 age of majority as the case may be; that is, a female minor who  
10 is, or professes to be pregnant, or a minor who is, or professes  
11 to be ~~[afflicted with a venereal disease,]~~ infected with, or to  
12 have been exposed to, a sexually transmitted infection, or a  
13 minor seeking family planning services shall be deemed to have,  
14 and shall have the same legal capacity to act, and the same  
15 legal obligations with regard to the giving of ~~[such]~~ consent to  
16 ~~[such]~~ hospitals and ~~[such]~~ clinics or for medical care and  
17 services to be provided by a physician or physician assistant  
18 licensed to practice medicine or advanced practice registered  
19 nurse as defined in section 457-2.7, as a person of full legal  
20 age and capacity, the infancy of the minor and any contrary  
21 provisions of law notwithstanding, and ~~[such]~~ the consent shall



1 not be subject to later disaffirmance by reason of [~~such~~  
2 ~~minority;~~] the minor's age; and the consent of no other person  
3 or persons (including[~~7~~] but not limited to a spouse, parent,  
4 custodian, or guardian) shall be necessary in order to authorize  
5 [~~such~~] hospitals or [~~such~~] clinics or medical care and services  
6 provided by a physician or physician assistant licensed to  
7 practice medicine or advanced practice registered nurse as  
8 defined in section 457-2.7, to [~~such-a~~] the minor."

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

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



1        If the minor patient is not diagnosed as being pregnant or  
2        ~~[afflicted with [a] venereal disease, such]~~ having a sexually  
3        transmitted infection, the information as well as the  
4        application for diagnosis may be disclosed, at the discretion of  
5        the treating physician, physician assistant, or advanced  
6        practice registered nurse, after consulting with the minor  
7        patient."

8        SECTION 5. Section 577A-4, Hawaii Revised Statutes, is  
9        amended to read as follows:

10        **"§577A-4 Financial responsibility; counseling.** (a) If a  
11        minor consents to ~~[receive]~~ receiving medical care and services,  
12        the spouse, parent, custodian, or guardian of the minor patient  
13        shall not be liable for the legal obligations resulting from the  
14        furnishing of medical care and services provided by the public  
15        and private hospital, public and private clinic or physician or  
16        physician assistant licensed to practice medicine, or advanced  
17        practice registered nurse as defined in section 457-2.7. A  
18        minor who consents to the provision of medical care and services  
19        under this section shall assume financial responsibility for the  
20        costs of ~~[such]~~ the medical care and services~~[-]~~; provided that  
21        a minor who consents to receiving medical care and services



1 related to the treatment or prevention of HIV pursuant to  
2 section 577A- shall not be liable for payment. Any other law  
3 to the contrary notwithstanding, no spouse, parent, custodian,  
4 or guardian whose consent has not been obtained or who has no  
5 prior knowledge that the minor has consented to the provision of  
6 ~~[such]~~ the medical care and services shall be liable for the  
7 costs incurred by virtue of the minor's consent.

8 (b) Medical care and services shall include individual  
9 counseling for each minor patient by a physician licensed to  
10 practice medicine, physician assistant, or advanced practice  
11 registered nurse as defined in section 457-2.7. ~~[Such]~~ The  
12 counseling shall seek to open the lines of communication between  
13 parent and child.

14 (c) If a minor receives medical care and services related  
15 to the treatment or prevention of HIV, including pre-exposure  
16 prophylaxis medication, pursuant to section 577A- , and the  
17 cost of medical care and services is paid by a health insurer  
18 regulated by chapters 431, 432, or 432D, that covers the minor's  
19 spouse, parent, custodian, or guardian, the health insurer shall  
20 not disclose to the minor's spouse, parent, custodian, or  
21 guardian that the minor received medical care and services."



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

3       SECTION 7. This Act shall take effect on January 1, 2050.



**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. Provides that a health insurer of a minor's parent, guardian, custodian, or spouse shall not notify the parent guardian, custodian, or spouse of the minor's treatment or prevention of HIV. Authorizes physician assistants, in addition to physicians and advanced practice registered nurses, to render medical care and services to minors. Effective 1/1/2050. (SD1)

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

