
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 and services; 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 and services related to the
8 diagnosis or treatment of HIV provided by a licensed health care
9 provider.
10 (b) A minor may consent to medical care and services
11 related to the prevention of HIV.
12 (c) A parent or legal guardian may not abrogate consent
13 given by the minor on the minor's own behalf.
14 (d) If a minor consents to receive medical care and
15 services pursuant to this section, the minor shall not be liable
16 for payment."



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

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Licensed health care provider" means a physician or an
6 osteopathic physician licensed under chapter 453, a physician
7 assistant licensed under chapter 453, or an advanced practice
8 registered nurse licensed under chapter 457.

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

12 2. By amending the definition of "medical care and
13 services" to read:

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

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



1 "**§577A-2 Consent valid.** The consent to the provision of
2 medical care and services by public and private hospitals or
3 public and private clinics, or the performance of medical care
4 and services by a [~~physician licensed to practice medicine or~~
5 ~~advanced practice registered nurse as defined in section~~
6 ~~457-2.7,~~] licensed health care provider, when executed by a
7 female minor who is or professes to be pregnant, or by a minor
8 who is or professes to be [~~afflicted with a venereal disease,~~]
9 infected with, or to have been exposed to, a sexually
10 transmitted infection, or a minor seeking family planning
11 services shall be valid and binding as if the minor had achieved
12 [~~his or her~~] the age of majority as the case may be; that is, a
13 female minor who is, or professes to be pregnant, or a minor who
14 is, or professes to be [~~afflicted with a venereal disease,~~]
15 infected with, or to have been exposed to, a sexually
16 transmitted infection, or a minor seeking family planning
17 services shall be deemed to have, and shall have the same legal
18 capacity to act, and the same legal obligations with regard to
19 the giving of [~~such~~] consent to [~~such~~] hospitals and [~~such~~]
20 clinics or consent to the performance of medical care and
21 services [~~to be provided~~] by a [~~physician licensed to practice~~



1 ~~medicine or advanced practice registered nurse as defined in~~
2 ~~section 457-2.7,~~ licensed health care provider, as a person of
3 full legal age and capacity, the infancy of the minor and any
4 contrary provisions of law notwithstanding~~[, and such]~~; provided
5 that the consent shall not be subject to later disaffirmance by
6 reason of such minority; [and] provided further that the consent
7 of no other person or persons [~~including~~], including but not
8 limited to a spouse, parent, custodian, or guardian~~[+]~~, shall be
9 necessary in order to authorize [~~such~~] the hospitals or [such]
10 clinics or the performance of medical care and services
11 ~~[provided] by a [physician licensed to practice medicine or~~
12 ~~advanced practice registered nurse as defined in section~~
13 ~~457-2.7,~~ licensed health care provider to [~~such~~] the minor."

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

16 "**§577A-3 Providing information.** (a) Public and private
17 hospitals, [~~or~~] public and private clinics, or [~~physicians~~
18 ~~licensed to practice medicine or advanced practice registered~~
19 ~~nurses as defined in section 457-2.7]~~ licensed health care
20 providers may, at the discretion of the treating [~~physician or~~
21 ~~advanced practice registered nurse,~~] licensed health care



1 provider, inform the spouse, parent, custodian, or guardian of
2 any minor patient of the provision of medical care and services
3 to the minor or disclose any information pertaining to [~~such~~]
4 the medical care and services after consulting with the minor
5 patient to whom [~~such~~] the medical care and services have been
6 provided under this chapter.

7 **(b)** If the minor patient is not diagnosed as being
8 pregnant or [~~afflicted with [a] venereal disease, such~~] having a
9 sexually transmitted infection, this information as well as the
10 application for diagnosis may be disclosed, at the discretion of
11 the treating [~~physician or advanced practice registered nurse~~]
12 licensed health care provider after consulting with the minor
13 patient."

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

16 "(a) If a minor consents to receive medical care and
17 services, the spouse, parent, custodian, or guardian of the
18 minor patient shall not be liable for the legal obligations
19 resulting from the furnishing of medical care and services
20 provided by the public and private hospital, public and private
21 clinic, or [~~physician licensed to practice medicine, or advanced~~



1 ~~practice registered nurse as defined in section 457-2.7. A]~~
2 licensed health care provider. Except as otherwise provided
3 under section 577A- , a minor who consents to the provision of
4 medical care and services under this section shall assume
5 financial responsibility for the costs of such medical care and
6 services. Any other law to the contrary notwithstanding, no
7 spouse, parent, custodian, or guardian whose consent has not
8 been obtained or who has no prior knowledge that the minor has
9 consented to the provision of such medical care and services
10 shall be liable for the costs incurred by virtue of the minor's
11 consent."

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2060.
15



Report Title:

Minors; Medical Care and Services; HIV; Consent; Prevention;
Treatment; Physician Assistants

Description:

Permits minors to consent to medical care and services related to the diagnosis, treatment, or prevention of HIV. Specifies that a minor, under certain circumstances, shall not be liable for payment associated with the diagnosis, treatment, or prevention of HIV. Authorizes physician assistants, in addition to physicians and advanced practice registered nurses, to render such medical care and services to minors. Effective 7/1/2060.
(HD1)

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