

JAN 21 2022

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# 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 related to the  
11 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 physicians and  
6 osteopathic physicians licensed under chapter 453, physician  
7 assistants licensed under chapter 453, and advanced practice  
8 registered nurses 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 infection, 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~~



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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~~[,]~~ but not limited to  
 8 a spouse, parent, custodian, or guardian~~[+]~~, shall be necessary  
 9 in order to authorize ~~[such]~~ the hospitals or ~~[such]~~ clinics or  
 10 the performance of medical care and services ~~[provided]~~ by a  
 11 ~~[physician licensed to practice medicine or advanced practice~~  
 12 ~~registered nurse as defined in section 457-2.7,]~~ licensed health  
 13 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 licensed~~  
 18 ~~to practice medicine or advanced practice registered nurses as~~  
 19 ~~defined in section 457-2.7]~~ licensed health care providers may,  
 20 at the discretion of the treating ~~[physician or advanced~~  
 21 ~~practice registered nurse,]~~ licensed health care provider,



1 inform the spouse, parent, custodian, or guardian of any minor  
2 patient of the provision of medical care and services to the  
3 minor or disclose any information pertaining to [~~such~~] the  
4 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~~





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**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.

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

