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

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

5           "Covered entity" has the same meaning as in title 45 Code  
6 of Federal Regulations section 160.103.

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

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

14           2. By amending the definition of "medical care and  
15 services" to read:

16           "Medical care and services" means the diagnosis,  
17 examination, and administration of medication in the prevention



1 or treatment of [venereal diseases,] sexually transmitted  
2 infections, pregnancy, and family planning services."

3 3. By amending the definition of "minor" to read:

4 "Minor" [~~shall be~~] means any person from the age of  
5 fourteen years to seventeen years inclusive."

6 SECTION 2. Section 577A-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

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



1 to be ~~[afflicted with a venereal disease,]~~ infected with, at  
2 risk of exposure to, or to have been exposed to, a sexually  
3 transmitted infection, or a minor seeking family planning  
4 services shall be deemed to have, and shall have the same legal  
5 capacity to act, and the same legal obligations with regard to  
6 the giving of ~~[such]~~ consent to ~~[such]~~ hospitals ~~[and such],~~  
7 clinics, or licensed health care providers for the provision of  
8 medical care and services ~~[to be provided by a physician~~  
9 ~~licensed to practice medicine or advanced practice registered~~  
10 ~~nurse as defined in section 457-2.7,]~~ as a person of full legal  
11 age and capacity, the infancy of the minor and any contrary  
12 provisions of law notwithstanding ~~[, and such consent]~~.

13 (b) The consent given under this section shall not be  
14 subject to later disaffirmance by reason of [such] the minor  
15 patient's minority ~~[, and the]~~.

16 (c) No consent of [no] any other person or persons  
17 ~~[including,]~~ including but not limited to a spouse, parent,  
18 custodian, or guardian ~~[,]~~, shall be necessary ~~[in order]~~ to  
19 authorize ~~[such]~~ the provision of medical care and services by  
20 hospitals ~~[or such],~~ clinics, or ~~[medical care and services~~  
21 ~~provided by a physician licensed to practice medicine or~~



1 ~~advanced practice registered nurse as defined in section~~  
2 ~~457-2.7,~~ licensed health care providers to ~~[such a]~~ the minor.

3 (d) The licensed health care provider who provides medical  
4 care and services to a minor under this section shall ensure  
5 that an applicable covered entity has been notified that the  
6 information pertaining to the minor-initiated medical care and  
7 services shall not be disclosed."

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

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



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

8        SECTION 4. 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 medical care and services, the spouse,  
 12 parent, custodian, or guardian of the minor patient shall not be  
 13 liable for the legal obligations resulting from the furnishing  
 14 of medical care and services provided by the public ~~[and]~~ or  
 15 private hospital, public ~~[and]~~ or private clinic, or ~~[physician~~  
 16 ~~licensed to practice medicine, or advanced practice registered~~  
 17 ~~nurse as defined in section 457-2.7.]~~ licensed health care  
 18 provider. A minor who consents to the provision of medical care  
 19 and services under ~~[this]~~ section 577A-2 shall assume financial  
 20 responsibility for the costs of ~~[such]~~ the medical care and  
 21 services. Any other law to the contrary notwithstanding, no



1 spouse, parent, custodian, or guardian whose consent has not  
2 been obtained or who has no prior knowledge that the minor has  
3 consented to the provision of [~~such~~] the medical care and  
4 services shall be liable for the costs incurred by virtue of the  
5 minor's consent.

6 (b) Medical care and services shall include individual  
7 counseling for each minor patient by a [~~physician licensed to~~  
8 ~~practice medicine or advanced practice registered nurse as~~  
9 ~~defined in section 457-2.7.~~] licensed health care provider.

10 [~~Such~~] The counseling shall seek to open the lines of  
11 communication between parent and child.

12 (c) A covered entity shall establish policies and  
13 procedures to ensure that minor-initiated medical care and  
14 services provided under section 577A-2 are not disclosed to the  
15 parent, spouse, custodian, or guardian in accordance with  
16 federal regulations, including title 45 Code of Federal  
17 Regulations part 164, subpart E. The licensed health care  
18 provider shall be entitled to submit a claim to the covered  
19 entity for payment for the costs of minor-initiated medical care  
20 and services to the minor provided pursuant to section 577A-2.



1        (d) If a claim for medical care or services obtained under  
2 this chapter is submitted to a covered entity under which a  
3 minor is enrolled, and the minor does not want the covered  
4 entity to disclose information regarding the claim to a spouse,  
5 parent, custodian, or guardian, the minor or the provider shall  
6 so notify the covered entity when the claim is submitted;  
7 provided that the licensed health care provider who provided the  
8 medical care and services to the minor may notify the covered  
9 entity on behalf of the minor. The covered entity may require  
10 that the request for confidential communication be made in  
11 writing and that it contain a statement that disclosure of all  
12 or part of the information to which the request pertains could  
13 harm the minor. The covered entity may accommodate requests by  
14 the minor or the licensed health care provider to receive  
15 communications related to the medical care and services by  
16 alternative means or at alternative locations."

17        SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19        SECTION 6. This Act shall take effect on January 1, 2025.



**Report Title:**

Minor Consent; Health Care; Sexually Transmitted Infections;  
Covered Entity; Policies

**Description:**

Authorizes minors who are fourteen years or older to consent to medical care for sexually transmitted infections, pregnancy, and family planning services, including the prevention of sexually transmitted infections. Requires confidentiality policies and practices for insurers and providers. Takes effect 1/1/2025.  
(SD1)

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