



# GOV. MSG. NO. 1192

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 27, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

SB3125 SD2 HD2

RELATING TO MEDICAL CARE FOR  
MINORS.  
**ACT 091**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

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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. "Sexually  
13 transmitted infection" includes human immunodeficiency virus  
14 infection."

15 2. By amending the definitions of "medical care and  
16 services" and "minor" to read:



1            "Medical care and services" means the diagnosis,  
2 examination, and administration of medication in the prevention  
3 or treatment of [veneral diseases,] sexually transmitted  
4 infections, pregnancy, and family planning services.

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

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

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



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

14 (b) No consent given under this section shall ~~[not]~~ be  
15 subject to later disaffirmance by reason of ~~[such]~~ the minor  
16 patient's minority~~[, and the]~~.

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



1 ~~provided by a physician licensed to practice medicine or~~  
2 ~~advanced practice registered nurse as defined in section~~  
3 ~~457-2.7,]~~ licensed health care providers to ~~[such a]~~ the minor.

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

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

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



1 patient to whom ~~[such]~~ the medical care and services have been  
2 provided under this chapter.

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

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

12 "**\$577A-4 Financial responsibility; counseling.** (a) If a  
13 minor consents to receive medical care and services, the spouse,  
14 parent, custodian, or guardian of the minor patient shall not be  
15 liable for the legal obligations resulting from the furnishing  
16 of medical care and services provided by the public ~~[and]~~ or  
17 private hospital, public ~~[and]~~ or private clinic, or ~~[physician~~  
18 ~~licensed to practice medicine, or advanced practice registered~~  
19 ~~nurse as defined in section 457-2.7.]~~ licensed health care  
20 provider. A minor who consents to the provision of medical care  
21 and services under ~~[this]~~ section 577A-2 shall assume financial



1 responsibility for the costs of [~~such~~] the medical care and  
2 services. Any other law to the contrary notwithstanding, no  
3 spouse, parent, custodian, or guardian whose consent has not  
4 been obtained or who has no prior knowledge that the minor has  
5 consented to the provision of [~~such~~] the medical care and  
6 services shall be liable for the costs incurred by virtue of the  
7 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 or advanced practice registered nurse as~~  
11 ~~defined in section 457-2.7.~~ Such] licensed health care  
12 provider. The counseling shall seek to open the lines of  
13 communication between parent and child.

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



1 for the costs of minor-initiated medical care and services to  
2 the minor provided pursuant to section 577A-2.

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

19 SECTION 5. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.





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



S.B. NO. 3125  
S.D. 2  
H.D. 2

APPROVED this **27th** day of **June**, 2024

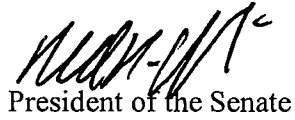
A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with a large initial "J" and "G".

GOVERNOR OF THE STATE OF HAWAII

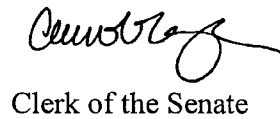
**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 25, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.



President of the Senate



Clerk of the Senate

SB No. 3125, SD 2, HD 2

THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

Date: April 9, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives