
A BILL FOR AN ACT

RELATING TO 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 part to be appropriately designated and
3 to read as follows:

4 **"PART . SEXUAL OFFENSES**

5 **§577A- Consent valid; sexual offense.** (a) Any
6 licensed health care provider properly trained in the medical
7 forensic care of a patient who has experienced sexual assault or
8 abuse, upon consultation by a minor as a patient who indicates
9 that the minor was the victim of a sexual offense described in
10 part V of chapter 707, with the consent of the minor patient,
11 may perform customary and necessary examinations to obtain
12 evidence of the sexual offense and may prescribe for and treat
13 the patient for any immediate condition caused by the sexual
14 offense.

15 (b) Prior to examining or treating a minor pursuant to
16 subsection (a), a licensed health care provider shall make a
17 reasonable effort to notify of the sexual offense the parent,



1 parents, legal guardian, or any other person having custody or
2 decision-making responsibility with respect to the medical care
3 of the minor; provided that the notification described in this
4 subsection shall not apply if the alleged sexual offense was
5 committed by the parent, parents, legal guardian, or any other
6 person having custody or decision-making responsibility with
7 respect to the medical care of the minor.

8 (c) So long as the minor has consented, the licensed
9 health care provider may examine and treat the minor as provided
10 in subsection (a), regardless of whether the licensed health
11 care provider has been able to make the notification under
12 subsection (b) and regardless of whether those notified have
13 given consent; provided that if the person having custody or
14 decision-making responsibility with respect to the minor's
15 medical care objects to treatment, then the licensed health care
16 provider shall proceed under the authority established under
17 chapter 350.

18 (d) Nothing in this section shall be deemed to relieve any
19 person from the requirements of chapter 350 concerning child
20 abuse.



1 (e) If a minor is unable to give the consent required by
2 this section by reason of age or mental or physical condition
3 and it appears that the minor has been the victim of a sexual
4 assault, the licensed health care provider shall not examine or
5 treat the minor as provided in subsection (a) but shall proceed
6 under the requirements of chapter 350.

7 (f) No health care provider who relies in good faith on
8 the minor's consent shall be civilly or criminally liable for
9 failure to secure the consent of the minor's parent, parents, or
10 legal guardian prior to rendering care pursuant to subsection
11 (a)."

12 SECTION 2. Chapter 577A, Hawaii Revised Statutes, is
13 amended by designating sections 577A-1 to 577A-5 as part I,
14 entitled "General Provisions".

15 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Minors; Consent; Medical Care; Licensed Health Care Providers;
Sexual Offenses

Description:

Authorizes a licensed health care provider properly trained in the medical forensic care of a patient who has experienced sexual assault or abuse, upon consultation with a minor patient who indicates that the minor was the victim of a sexual offense, with the consent of the minor patient, to perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Effective 7/1/3000.
(HD1)

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

