

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1395

By: Ikley-Freeman

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6 AS INTRODUCED

7 An Act relating to health services for minors;  
8 amending 63 O.S. 2011, Section 2602, as amended by  
9 Section 1, Chapter 305, O.S.L. 2016 (63 O.S. Supp.  
10 2019, Section 2602), which relates to right of self-  
11 consent under certain conditions; broadening minors  
12 who may consent to health services; updating  
13 statutory references; and providing an effective  
14 date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2602, as  
17 amended by Section 1, Chapter 305, O.S.L. 2016 (63 O.S. Supp. 2019,  
18 Section 2602), is amended to read as follows:

19 Section 2602. A. Notwithstanding any other provision of law,  
20 the following minors may consent to have services provided by health  
21 professionals in the following cases:

22 1. Any minor who is married, has a dependent child ~~or~~, is  
23 emancipated or is sixteen (16) years of age or older;

24 2. Any minor who is separated from his parents or legal  
guardian for whatever reason and is not supported by his parents or  
guardian;

1           3. Any minor who is or has been pregnant, afflicted with any  
2 reportable communicable disease, drug and substance abuse or abusive  
3 use of alcohol; provided, however, that such self-consent only  
4 applies to the prevention, diagnosis and treatment of those  
5 conditions specified in this section. Any health professional who  
6 accepts the responsibility of providing such health services also  
7 assumes the obligation to provide counseling for the minor by a  
8 health professional. If the minor is found not to be pregnant nor  
9 suffering from a communicable disease nor drug or substance abuse  
10 nor abusive use of alcohol, the health professional shall not reveal  
11 any information whatsoever to the spouse, parent or legal guardian,  
12 without the consent of the minor;

13           4. Any minor parent as to his child;

14           5. Any spouse of a minor when the minor is unable to give  
15 consent by reason of physical or mental incapacity;

16           6. Any minor who by reason of physical or mental capacity  
17 cannot give consent and has no known relatives or legal guardian, if  
18 two physicians agree on the health service to be given;

19           7. Any minor in need of emergency services for conditions which  
20 will endanger his health or life if delay would result by obtaining  
21 consent from his spouse, parent or legal guardian; provided,  
22 however, that the prescribing of any medicine or device for the  
23 prevention of pregnancy shall not be considered such an emergency  
24 service; or

1 8. Any minor who is the victim of sexual assault; provided,  
2 however, that such self-consent only applies to a forensic medical  
3 examination by a qualified licensed health care professional.

4 If any minor falsely represents that he may give consent and a  
5 health professional provides health services in good faith based  
6 upon that misrepresentation, the minor shall receive full services  
7 without the consent of the minor's parent or legal guardian and the  
8 health professional shall incur no liability except for negligence  
9 or intentional harm. Consent of the minor shall not be subject to  
10 later disaffirmance or revocation because of his minority.

11 B. The health professional shall be required to make a  
12 reasonable attempt to inform the spouse, parent or legal guardian of  
13 the minor of any treatment needed or provided under paragraph 7 of  
14 subsection A of this section. In all other instances the health  
15 professional may, but shall not be required to inform the spouse,  
16 parent or legal guardian of the minor of any treatment needed or  
17 provided. The judgment of the health professional as to  
18 notification shall be final, and his disclosure shall not constitute  
19 libel, slander, the breach of the right of privacy, the breach of  
20 the rule of privileged communication or result in any other breach  
21 that would incur liability.

22 Information about the minor obtained through care by a health  
23 professional under the provisions of ~~this act~~ Section 2601 et seq.  
24 of this title shall not be disseminated to any health professional,

1 school, law enforcement agency or official, court authority,  
2 government agency or official employer, without the consent of the  
3 minor, except through specific legal requirements or if the giving  
4 of the information is necessary to the health of the minor and  
5 public. Statistical reporting may be done when the minor's identity  
6 is kept confidential.

7 The health professional shall not incur criminal liability for  
8 action under the provisions of ~~this act~~ Section 2601 et seq. of this  
9 title except for negligence or intentional harm.

10 SECTION 2. This act shall become effective November 1, 2020.

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